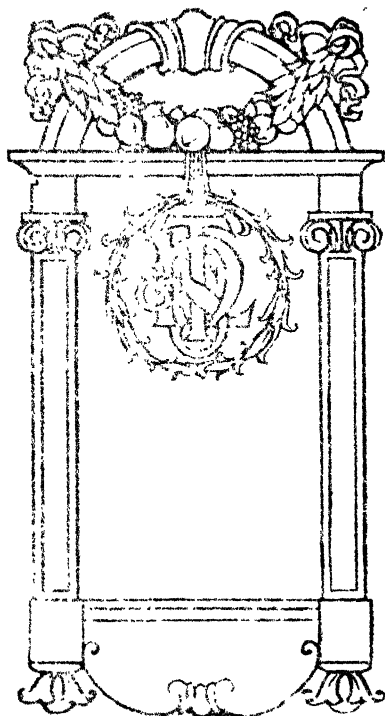


GRAIN OR CHAFF?

UNIFORM WITH THIS VOLUME.

THE GREAT BOER WAR. *Arthur Conan Doyle.*
COLLECTIONS AND RECOLLECTIONS. *G. W. E. Russell.*
FROM THE CAPE TO CAIRO. *E. S. Grogan.*
LIFE OF LORD DUFFERIN. *Sir A. Lyall.*
SPURGEON'S SERMONS. *Sir W. Robertson Nicoll, LL.D.*
SIR FRANK LOCKWOOD. *Augustine Birrell, K.C., M.P.*
THE MAKING OF A FRONTIER. *Colonel Durand.*
LIFE OF RICHARD COBDEN. *Lord Morley.*
LIFE OF PARNELL. *R. Barry O'Brien.*
MEMORIES GRAVE AND GAY. *Dr. John Kerr.*
A BOOK ABOUT ROSES. *S. Reynolds Hole.*
RANDOM REMINISCENCES. *Charles Brookfield.*
AT THE WORKS. *Lady Bell.*
MEXICO AS I SAW IT. *Mrs. Alec Tweedie.*
PARIS TO NEW YORK BY LAND. *Harry de Windt.*
LIFE OF LEWIS CARROLL. *Stuart Dodgson Collingwood.*
A NATURALIST IN THE GUIANAS. *Eugène André.*
THE MANTLE OF THE EAST. *Edmund Candler.*
LETTERS OF DR. JOHN BROWN.
JUBILEE BOOK OF CRICKET. *Prince Ranjitsinhji.*
BY DESERT WAYS TO BAGHDAD. *Louisa Jebb.*
SOME OLD LOVE STORIES. *T. P. O'Connor.*
FIELDS, FACTORIES, & WORKSHOPS. *Prince Kropotkin.*
LIFE OF LORD LAWRENCE. *R. Bosworth Smith.*
PROBLEMS OF POVERTY. *Dr. Chalmers.*
THE BURDEN OF THE BALKANS. *M. E. Durham.*
LIFE AND LETTERS OF LORD MACAULAY.—I. & II.
Sir George O. Trevelyan, Bart.
WHAT I SAW IN RUSSIA. *Hon. Maurice Baring.*
WILD ENGLAND OF TO-DAY. *C. J. Cornish.*
THROUGH FINLAND IN CARTS. *Mrs. Alec Tweedie.*
THE VOYAGE OF THE "DISCOVERY."—I. & II.
Captain Scott.
FELICITY IN FRANCE. *Constance E. Maud.*
MY CLIMBS IN THE ALPS AND CAUCASUS. *A. F. Mummery.*
JOHN BRIGHT. *R. Barry O'Brien.*
POVERTY. *B. Seebohm Rowntree.*
SEA WOLVES OF THE MEDITERRANEAN.
Commander E. Hamilton Currey, R.N.
FAMOUS MODERN BATTLES. *A. Hilliard Atteridge.*
THE CRUISE OF THE "FALCON." *E. F. Knight.*

Etc., etc.

Others to follow.



GRAIN OR CHAFF?

THE AUTOBIOGRAPHY OF A POLICE MAGISTRATE

BY

ALFRED CHICHELE PLOWDEN



THOMAS NELSON AND SONS
LONDON, EDINBURGH, DUBLIN
AND NEW YORK
1920

Dedication

TO

HENRY VISCOUNT LLANDAFF,

FOR MANY YEARS

MY COMRADE AND LEADER

ON THE OXFORD CIRCUIT,

TO WHOSE EXAMPLE

I OWE MUCH,

AND

TO WHOSE FRIENDSHIP

I OWE MORE,

I GRATEFULLY DEDICATE

THESE REMINISCENCES.

or less famous things. Such lives must be always interesting, but there may be room, nevertheless, for something which starts from a different standpoint—something less vivid, less gorgeous.

After all, it is sympathy which is the keynote of human nature, and I incline to think that the occurrences of an everyday life, which appeal less to imagination than to common experience, may excite a deeper interest than thrilling adventures by flood or field.

The reader will understand that I have written under certain disadvantages, for never having contemplated a task of this kind I have kept no notes, and have had to rely solely on my memory, unaided by any literary experience.

The result, I am sensible, must leave much to be desired. I have not even been able to find a positive title for reminiscences so loosely strung together.

This, however, is of little consequence, and may fairly be left to a wiser discrimination than mine.

Let the reader be kind enough to say whether what I have written is Grain or Chaff.

Whatever he decides, I shall know to be right, and shall accept gratefully.

GRAIN OR CHAFF

CHAPTER I

NEVER till this moment have I sufficiently appreciated that after all it may be worth while to have a line of ancestors.

When at the age of thirteen I went to a public school, I was asked, as every new boy is, a number of inquisitive questions relating to my birth and parentage. I answered them as best I could, but from that day to this I have shared in the general relief that all men feel when they cease to be troubled with questions which concern no one but themselves.

Ancestors have ceased to appeal to the imagination, and nowadays count for nothing. If it were not for the exquisite pictures that survive to recall their existence, they would be in danger of being absolutely forgotten. Even in their portraits, it is I fear the artist, more than his subject, that lives. There is more family pride in a good painting of an indifferent ancestor than in a bad painting of one who was great and distinguished, and perhaps more real pleasure

in the photograph of a son or daughter than in all the old family portraits put together.

Moreover the truth cannot be concealed that it is perfectly easy for any one so-minded to buy a complete gallery of ancestors, thoroughly up to date, and with pedigree included. The difficulty is to find any one who is so-minded. I would not therefore be thought guilty of touching a matter which it may almost be thought bad taste to allude to, were it not that my need is great. I invoke my ancestors, not from conceit, but of necessity. Without their aid I do not know how I am to build up the formidable pile of words which is required to complete this book. I need straw to make my bricks and to start me on my task, and I am hopeful that this will be achieved if, by the reader's indulgence, I am permitted to hang this, the first chapter, on a branch of the Family Tree.

The Plowdens are an old Catholic family who have been settled at Plowden, in Shropshire, for centuries. They are traced in the county archives as far back as 904, but the earliest representative of whom any written record survives is Roger de Plowden, who served with Richard Cœur de Lion in the Crusades, and obtained, as a reward for gallantry, the right to quarter on his shield two fleur-de-lys.

After the siege of Acre, at which he was present, Roger Plowden returned to Shropshire, and built a commemorative chapel in the parish church of Lydbury, which still serves as the burial place of the family. The chapel is only separated from the body

of the church by a wall inside, and is one of the very few examples in the country where Catholic rites continue to be observed within the interior of what has since become a Protestant church. The only two instances of the same kind that are within my knowledge are the Blount Chapel at Maple Durham, and the Fitz Alan Chapel at Arundel.

From 1191 down to 1838, when the estates passed to a nephew, there was an unbroken descent from father to son, and I am told by those who are wise in these matters, that there are but few pedigrees of which this can be said, and that the Plowdens are one of a very limited number of English families who have inherited the same lands, without a break, for so many generations.

Throughout this long course of 600 years, the name that stands out most conspicuously in the family annals is that of Edmund Plowden, the eminent lawyer, who flourished chiefly in the reign of Elizabeth, and who, but for his religion, would undoubtedly have reached the position of Lord High Chancellor.

The letter from Queen Elizabeth offering him this great dignity, if he would consent to change his religion, though known to have existed among the family papers down to somewhere about 1838, has unfortunately been lost, but Edmund Plowden's reply happily survives in a copy which is preserved at Plowden. The phrasing of it is so striking that it is worth reproducing :—

"Hold me, dread Sovereign, excused. Your Majesty well knows I find no reason to swerve from the Catholic faith, in which you and I were brought up. I can never therefore countenance the persecution of its professors. I should not have in charge your Majesty's conscience one week, before I should incur your displeasure, if it be your Majesty's royal intent to continue the system of persecuting the retainers of the Catholic faith."

Another incident in his life which has been handed down, shows how constant and real were the difficulties that beset Catholics in the exercise of their faith during those anxious times.

Having been informed on a certain occasion that Mass was about to be celebrated in a neighbouring house, Edmund Plowden seized the opportunity to be present. Shortly afterwards he was summoned and tried for the offence, but being suspicious of a trick somewhere, he cross-examined the witnesses, and amongst others the supposed priest who had officiated. He demanded of this man whether he would swear to being a priest, and upon his hesitating: "Then," quoth Plowden, "the case is altered. No priest, no Mass. No Mass, no violation of the law."

"'The case is altered,' quoth Plowden," has since become almost a common proverb.

But perhaps what may be considered a more interesting incident still occurred while the Catholic lawyer was a Member of Parliament in Queen Mary's reign.

We are all of us at times proud of our family history, and I remember in one of Mr. Chamberlain's many striking speeches, coming across the following passage:—

"I boast a descent of which I am as proud as any baron may be of the title which he owes to the smile of a king, for I can claim descent from one of the two thousand ejected ministers who, in the time of the Stuarts, left home and work and profit rather than accept the State-made creed which it was sought to force on them."

Similarly I may boast of the action of Edmund Plowden in one of Queen Mary's Parliaments. Rather than countenance a fresh application of the Penal Laws that was proposed against the Protestants, thirty-nine members, some Protestant but others Catholic, seceded from the House of Commons, headed by Edmund Plowden. They were sentenced to fine and imprisonment, and a few of them meekly submitted; the rest, including Plowden, traversed, but judgment against them, so says the chronicler, was prevented by the death of the Queen.

Edmund Plowden has left his mark on the profession he adorned in more ways than one. His commentaries and reports of cases argued and determined in the reigns of Edward VI., Mary, and Elizabeth, bear witness to his profound study of the law, though, being written in French and contained in a somewhat prodigious volume, they possess now

little more than an antiquarian interest. He is better remembered by the profession, and, indeed, by the public, by reason of his connection with the famous Hall of the Middle Temple, so justly admired for its beautiful proportions. Edmund was treasurer of the Inn at the time. His arms may be seen in the rich stained-glass window that adorns the south end of the Hall, and his bust, unveiled with ceremony by the late Sir Robert Phillimore in 1868, occupies a prominent position as you enter.

He is buried close by in the adjoining Temple Church, and his character is thus summed up, perhaps somewhat quaintly, by Camden :—

" Great was the capacity and good the inclination of this man ; large the furniture and happy the culture of his soul ; grave his mien and stately his behaviour ; well regulated his affections and allayed his passions ; well principled his mind and well set his spirit ; solid his observation, working and practical his judgment ; and, as that Roman hero was more eminent whose image was missing, than all the rest whose portraitures were set up, so this accomplished gentleman was more observable because he was not a statesman than some of those that were so.

" There is a glory in the obscurity of worthy men, who, as that sun (which they equal as well in common influence as in lustre), are most looked on when eclipsed."

I think it will be conceded that if this is a fit description of a model lawyer in the reign of Elizabeth,

it would serve equally well to describe an ideal police magistrate in the reign of Edward VII. If there is not, perhaps, need of the same " capacity " or " furniture," the " grave mien and stately behaviour " are very much to the point, and there is consolation as well as aptness in the thought that not to be a statesman makes a lawyer, and therefore a police magistrate, more observable than some of those that are so.

But the eloquence of Camden is not satisfied with what I have quoted. The theme is evidently a grateful one to him, and he expands it as follows : " Edmund Plowden, as he was singularly well learned in the common laws of England, whereof he deserved well by writing, so for integrity of life he was second to none of his profession : and how excellent a medley is made when honesty and ability meet in a man of his profession ! "

How excellent a medley indeed ! Strange that it should now be looked upon as a matter of course, that honesty and ability love to meet in the person of every lawyer. It only makes for " medley " when, by some miserable chance, these every-day virtues become disunited.

Plowden Hall, in Shropshire, was built by Edmund Plowden on the site of an older house, and survives to-day much as he left it. It might have been touched and renovated from time to time with advantage, but apparently it has been deemed too sacred. It is a quite unpretentious building, and would not be

worth a reference but for the glamour that attaches to it as one of the old Catholic houses in the country. Built in a hollow, doubtless from motives of prudence, the house, shut in as it is by thick woods of oak and beech, is so skilfully concealed that the stranger comes on it almost unawares.

Inside there is a chapel dedicated to St. Francis of Assisi, and the house itself is full of nooks and corners, contrived for the purposes of concealment. One of these, known as the Priest's Hiding Hole, is in the closet of one of the bedrooms. The boards of the floor are so constructed as to be easily removed; underneath is a trap-door with a ladder affixed to it, which leads to a dark hole just large enough for a man to sit down and stand up in. From one of the top bedrooms there is an escape, the form and width of a chimney, reaching down to the ground-floor of the house; and a few years ago a second hiding-hole like that already described was discovered. There is also a cupboard on the staircase with a secret recess in which the sacred vessels for celebrating Mass were concealed in times of danger.

In the year 1620, the year when the Pilgrim Fathers sailed in the *Mayflower*, another Edmund Plowden, grandson of the lawyer and my immediate forefather, sailed for America with a numerous company of emigrants to establish the plantation of New Albion. The enterprise appears to have been successful. It was followed by a petition to Charles I.

for a grant of the territory, which is described in these words:—

"Near the Continent of Virginia, sixty leagues from James City, without the Bay of Chesapeake, there is a habitable and fruitful island, named Isle Plowden, otherwise Long Isle, about six leagues from the main, near De La Warre Bay, whereof your Majesty, nor any of your progenitors, were ever possessed of any estate, &c. . . . to enable the Petitioners, their heirs and assigns, for ever to enjoy the said isle, and forty leagues square of the adjoining continent, as in the nature of a County Palatine, or body politick, by the name of New Albion, to be held of your Majesty's Crown of Virginia, and with other such additions, privileges, and dignities therein to be given to Sir Edmund Plowden, like as has been heretofore granted to Sir George Calvert, Knight, in Newfoundland, &c. . . . and we agree to settle with five hundred inhabitants."

This petition was favourably received, and ultimately a charter was granted to Edmund Plowden giving entire possession of the land prayed for, with power to confer honours upon the well-deserving citizens and inhabitants of the new Province, and to "cut and stamp different pieces of gold such as shall be lawful, current, and acceptable to all the inhabitants." In this document Edmund Plowden was described as Earl Plowden, Earl Palatine, Governor and Captain-General of the Province of New Albion. He appears to have made an excellent governor. The

Province was divided into several manors. The Manor of Watsesset was the principal residence of the Earl Palatine. The plan of government was mild and liberal, with entire tolerance in religious matters. "Plowden offered the fullest freedom and protection to all, and gave his voice in favour of mildness, charity, and love, and he deserves to be ranked with the benefactors of our race, and New Albion is entitled to a higher place in the human progress than is often allotted to older, greater, and more fortunate states."

I have set out the above at some length, not so much for the purpose of using up the straw of another ancestor, as to invite attention to the curious fact, not without historical interest, that this province of New Albion was destined to include within its boundaries not only the present Long Island, or Isle Plowden as it then was, but the whole of the modern city of New York. Such a future, so little anticipated, sets one speculating on the might-have-beens had New Albion continued to be held by the descendants of Edmund Plowden. In point of fact it swiftly passed out of their hands. What one sovereign gave, another took away — and Charles II., without parliamentary sanction, and in disregard of the Charter granted by his father, conferred the Province of New Albion upon his brother James, at the same time creating him Duke of Albany. The private property that remained to Earl Plowden's descendants was con-

fiscated when the United States of America won their independence.

Notwithstanding any injustice in the matter of the American estates, which may have received countenance from Charles II. throughout all the troublous times of the Civil War and the subsequent Revolution, the Plowdens, by virtue of their devotion to the Catholic faith, closely attached themselves to the fortunes of the Stuarts, and suffered not a little in consequence.

The family were settled in those days at Shiplake as well as at Plowden, and the following extract from an eye-witness helps to give some idea of the persecution to which country gentlemen were exposed in those eventful times, if they happened to come under the suspicion of showing too much sympathy with one side or with the other:—

"Francis Plowden and his wife were constant Catholics, and suffered much for Religion. When the troubles began in England between the King and his Parliament, and Catholics were chiefly plundered, then did this good gentleman feel well his part of the misery, living then in his house named Shiplack in Oxfordshire, which was finely seated hard by the river Thems, where he might go by water to divers shires, as also go to London; and there he lived then with divers of his friends with him, so they were about sixty in number, and keeping a good house; they would then sometimes kindly entertain the bargie men that came that way, who gave them but an ill

return for it, giving notice to the Parliamentary forces, and belying Mr. Ploydon by saying that he mustered men for the King. A great company came and set upon the house, shooting at it with their ordnance so as all that lived there were fain to fly in haste and they plundered the house and took all away.

"After that Mr. Ploydon was forced to fly from one place to another, for to keep himself out of the enemies' hands. Then he came and lived awhile at Reading, until that also was besieged and taken by Parliament, yet upon condition that those within who would, might safely depart away. Whereupon Mr. Ploydon's household, taking their chiefest goods and £500 with them, departed in a coach out of the town, but when they came forth, the puritan Earl of Essex said to his soldiers, 'Come, boys, plunder now!' So they took the coach with their money, leaving them only the clothes on their backs, and they came and lived at Oxford until that town was surrendered. After that they were fain to retire themselves and live very privately."

Later, in the reign of James II., William Plowden, though only in his twenty-third year, commanded the second regiment of His Majesty's Footguards at the Battle of the Boyne. Perhaps, for purpose of comparison with modern times, the following little account which has been faithfully preserved of the cost of a Guardsman's kit in the year 1688 may not be without interest :—

March 2nd, 1688 Payd to Captain Baxter for the Commission	£400	0	0
March 12th Payd for drawing and inrolling the same	5	0	0
Given to the Drums, hoe boys, and souldiers	4	19	6
Payed for a gorgit	0	14	6
For a Pike	1	1	6
And a gold and silver shas	12	10	6
Payd for two ffeathers	4	5	0
Two swords and belt	3	0	0
Payd for dinner to treat the officers	10	8	6
Three Hatts	3	7	0
Six Hatts	8	8	0
Payd for Boots and shoes	3	6	0
Gloves and stockings	5	17	6
Payd for new perriwig	9	2	0
To the Taylor for Cloak	29	12	6
Payd for horses	43	16	6
Saddells	4	3	0
&c., &c., &c.	£549	12	0

It may be noticed with regard to this young soldier, who afterwards received a written pardon from William III., that his three elder brothers in succession renounced their title to the family estates, which were considerable, in order to become Jesuit priests. Evidences of a similar zeal declare themselves throughout the Pedigree, and doubtless are to be found in the history of most Catholic families. No considerations of wealth, position, or advancement seem to have weighed for a moment against the thrill of a supreme act of self-renunciation for the sake of the Church.

It is a wonderful testimony to the absorbing power of religion, which can exercise so profound an

influence over human character, just at the moment, when the world has most to offer. Something of the same feeling is to be found also in Protestant families, where it is not uncommon for one of the sons to feel an imperative call to serve in the ministry of the Church—but it is usually one of the younger sons, and I imagine it to be very rare indeed for the heir to an ancestral estate to renounce his patrimony in order to have the first refusal of the family living.

A pretty little family tradition connected with King James's Court at St. Germain, and not without historical authority, may not be out of place if recounted here.

Francis Plowden, grandson of him who was besieged at Shiplake, was Comptroller of the Household to King James II.—his wife, who was sister of the last Earl of Stafford, being Lady-in-Waiting to Queen Mary Beatrice.

Their children were born and brought up in the Palace, and it is of one of them—Mary Plowden, who afterwards carried the Stafford title (the barony) into the Jerningham family—that the following story is told :—

In one of the lobbies of thé Palace was a little window which overlooked the Royal Closet, so that any one ambushed there might look down upon his Majesty and watch all his proceedings.

Little Mary Plowden, aged four, was sometimes punished by being shut up in the lobby, but she was

always clever enough to obtain her release by climbing to the little window and tapping at the glass until she had attracted the King's attention. Then, showing her weeping face and clasping her hands in an attitude of earnest entreaty, she would say in a sorrowful tone, " Ah, sire, send for me."

James, who was fond of children, seldom had the heart to refuse his tearful petitioner; and when Mrs. Plowden next entered the Royal presence with the Queen, she was sure to find her small captive closeted with his Majesty, sitting at his feet, and sometimes on his knee. At last she said to the King, " I know not how it happens, but whenever my little girl is naughty, and I shut her up in the lobby, your Majesty does her the honour of sending for her into your closet."

James laughed heartily, and, pointing to the window, explained the mystery.

Mary Plowden had one brother, who in the ordinary course would have succeeded to the Stafford title, but electing to become a priest he forfeited his right, and the honour passed to the issue of Mary Plowden by her marriage with Sir George Jerningham, Bart., of Cossey, Norfolk, in whose family the barony has continued to the present day.

There is only one other Plowden in the past to whom I will make any reference, not because he stands out by any means as the most interesting or romantic figure in the family records, but because

perhaps he is the last to have left behind him any title to historical fame.

Francis Plowden was born in 1749, and educated at the English seminary at St. Omer, where, to use his own words, "he learned nothing he ever wished to forget." To his talents the literary world is greatly indebted for the many valuable productions with which he has enriched it, and which will hand down his name to posterity as an eminent lawyer and historian. He is perhaps best known as an author by his "History of Ireland," which was at least an honest attempt to set forth facts, and which drew from Grattan the compliment that it was not only a manly and able production, but remarkable for its truth.

CHAPTER II

THE Plowden family at the present day consists of two branches—the Plowdens of Plowden, whose great pride it is that they have always remained constant to the ancient faith, and the Chichele Plowdens, who became converted to Protestantism by the marriage of a younger son with Sarah Chichele some two hundred years ago.

Sarah Chichele, whose form survives in a beautiful and well-known engraving, was directly descended from the elder brother of Archbishop Chichele, the great prelate who founded All Souls College, Oxford, and who figures so prominently as an historical personage in Shakespeare's *Henry V*.

The Chichele Plowdens almost continuously have been connected in some form or other with our rule in India, and there are few English names better known throughout the length and breadth of that great dependency.

My great-uncle, William Chichele Plowden, was one of the last Directors of the old East India Company, and when I was a boy at Westminster he offered me a cadetship in the Bengal Cavalry, which my father was much tempted into accepting for me.

Being utterly unsuited by nature for a soldier's life, I never think of this narrow escape from martial duties, irksome in peace and disagreeable in war, without a sigh of profound thankfulness.

My great-uncle lived to influence my life in far pleasanter fashion, for I saw much of him in later years; and as an exquisitely dressed, courtly-mannered squire of the old school I have seen none to beat him. Living in Hampshire, at Ewhurst Park, near Basingstoke—which in days gone by had belonged to the Plowdens, and which he rented for the sake of its family associations—my uncle dispensed a wide hospitality and made himself endeared to the whole country-side. The labour to me of writing this book would have been child's play to him, for his mind was a storehouse of interesting information, and he had the happy gift besides of the *raconteur*, of being able to relate his experiences with artistic point and finish. He lived to a great age, and at the time of his death, which occurred in 1880, he was able to recall the trial of Warren Hastings, which he witnessed as a boy in Westminster Hall. A few years later, in 1815, he was present when Pitt delivered his last speech in public, on the occasion of a banquet by the Lord Mayor to commemorate the battle of Trafalgar. He was also one of the very few men then living who had personally conversed with Napoleon Bonaparte, at St. Helena, in 1816.

I am now at last within sight of the date when

this autobiography may properly be said to commence, and when I must learn to fly alone without further ancestral aid.

My father, Trevor John Chichele-Plowden, was a member of the Bengal Civil Service. He rose to high positions, but it cannot be said that his success quite fulfilled the expectations that were formed of him at the commencement of his career. He possessed an unusually quick apprehension and great proficiency in acquiring languages, and I have in my possession a document addressed to the Secretary of the Government in Calcutta by the then College Council, warmly commending my father's talents and industry in qualifying for the public service within three months of his landing in Calcutta, and recommending him as deserving of a medal for his "rapid and considerable proficiency in the Persian and Bengalee languages."

My mother was a beautiful woman, of a type very rarely seen or met with, at least in northern climes. It was not only that every feature might have been traced with a Grecian chisel, and that her magnificent eyes and wealth of hair were black as the raven's wing. What specially distinguished her was the incomparable shape and pose of her head, and the queenly grace and almost majesty of her appearance. She was unusually tall, and when she moved, her carriage irresistibly brought into the mind the familiar Virgilian quotation, "*Vera incessu patuit Dea.*" On her father's side my mother was

Danish. Her maiden name was Schaffalitzky de Mokadel, which would appear to indicate a Polish origin, but in fact her father was a Danish nobleman, and the Schaffalitzkys had been settled in Denmark long enough to take rank in the innermost circles of its great families. Her early history was tragic, for while yet an infant her father, who possessed estates in Manilla, was murdered in a rising of the slaves, and she was only saved from a similar fate by the devotion of her nurse, who succeeded in escaping with her to Scotland. There she was brought up by her aunt, Mrs. Playfair, mother of the late Lord Playfair, until she was seventeen, when she proceeded to India, and within a few months became betrothed to my father.

Their married life continued through sixty-three years, and, what is perhaps even more remarkable, on the occasion of their Golden Wedding they had the rare happiness of including among their guests a lifelong friend of my father's who had been present at their wedding and officiated as best man.

My father died in 1899, and in May, 1900, a little more than twelve months after, the grave closed over the remains of my beloved mother.

Of their four children I survive as the eldest son, my only brother being Sir Trevor Chichele-Plowden, who has recently retired from the Indian Civil Service after an eminently successful career. My elder sister married Sir William Grey, at one time Lieutenant-Governor of Bengal, and afterwards

Governor of Jamaica, and their eldest daughter is the present Lady Eden, who perhaps more than any of my mother's descendants, inherits her singular beauty.

I was born at Meerut in 1844, and at a very early age was shipped home to England. Before I was six I was consigned to the care of a clergyman in Yorkshire, who had a small school and received a certain number of Indian children as boarders. Here I remained for seven years without seeing friend or relation, and as ignorant of the outside world as if the vicarage were a cloister. Looking back on those early days of my childhood, I am driven to wonder whether the things I am about to relate really happened; indeed, were it not for the immortal pages of "Nicholas Nickleby," I should be tempted to relegate my recollections to the land of dreams. But "Dotheboys Hall" was no mere fabulous fancy of Dickens's brain, nor, as I imagine, was the school which served as a type and lent itself with such effect to Dickens's magic touch, a solitary institution of its kind. I find it easier to believe, allowing for the necessary exaggeration of fiction, that boys were "done" in much the same fashion as in "Dotheboys Hall" in many an English school of the period, and though, judged by modern standards, such a system of education may appear to us harsh and repellent, it may be doubted whether much harm was done to the boys themselves, and whether the discipline they underwent did not really fit them all the better for

the struggles of their after life. At all events let it be understood that in recalling my childhood at Newbald Vicarage, I entertain not a single unkind thought of the excellent clergyman who was vicar of the parish and my earliest tutor and guide. He grounded me according to his lights. I am quite unable to judge how much I may not have deserved the chastisements which at this time I only remember for the physical pain that they caused me. I am willing to believe now, what perhaps I was sceptical of then, that what he was fond of saying as he lifted his cane in the air, was strictly true: "My dear boy, it hurts me more that it does you," and my blessing goes back to his fond wife, whose sympathies were never wanting when I suffered punishment, and who would beat a rapid retreat into her jam closet with her fingers in her ears to shut out the sound of my wailing, when the unerring cane descended with measured strokes on my writhing person.

It will be easily gathered from these allusions that the cane was the vicar's most trusty ally in the sacred sense of education. There was no boy so young as not to feel its touch, and happy the lad who got off without at least one caning every term. I was barely six when my first turn came, and I had done nothing more to deserve it than smudge with a dirty thumb an important page of my Latin Grammar. Nor was the caning the end of my punishment, for while my fingers still tingled with the pain the vicar would see "evil in my mind," and I was made to stand on a

three-legged stool and hold as best I could a heavy book above my head. If the stool shook, as well it might, threats would follow of a further caning, and if I murmured against the torture of the whole thing, I was told it was nothing to what my father had endured as a Westminster boy, and what I might look forward to if I went to the same school; and so I was almost led to believe that what I mistook for something highly disagreeable was really in the nature of a comparative luxury, for, after all, everything in this world is relative, and things generally seem much worse than they really are.

There were other curious features in this school which impressed themselves on my youthful imagination. There were times and occasions when the welfare of the individual was merged in the interest of the school as a whole. The everyday ailments of life were resisted by a very simple device. To wait in the ordinary way for some symptom of ill-health to show itself, was to give the enemy too great an advantage; he must be anticipated; and therefore, however healthy each boy might be, in order to keep him so, it was thought wise at regular intervals to dose the whole school with horrid cups of senna tea, sometimes hot, sometimes cold, but always nasty. I have never heard of this treatment being pursued anywhere else, unless it be in China, where I understand the doctors are paid to keep you well, and not to cure you when you are ill. Nor do I think I should have cared to remember what may

strike the reader as a very trivial matter, except that I really think that I hated the medicine almost as much as I feared the cane. I shudder when I think of either; in fact, the whole life of the place was such that I am amazed I was not more unhappy. I suppose it really was because I had no means of comparing it with any other kind of life, and no ground for supposing that anybody else's lot was better. This is the secret, I imagine, of the contentment of the poor. The really poor man is the one who has known what it is to be rich. If a man's income drops from ten thousand a year to five, he thinks he is ruined; whereas another man who improves his income from one thousand a year to five, is more than happy in his riches. If you have never tasted anything but inferior food you will put up with it as the best to be had; but take a pauper from his surroundings, feed him for a month at Prince's or the Berkeley, and then send him back to his hovel, and see how he takes it. You will probably have made a miserable, discontented man of him for ever.

But if I and my little schoolfellows were not exactly unhappy, it would not be correct to say we were extremely satisfied. We were constantly meditating great revolutions, and more than once did we break out into open rebellion, or "insurrection," for that was the word we most loved. I remember one of these occasions. A very simple plan had been determined upon. At a moment when lessons were in full swing one of us was openly to "check" the

Vicar, and then, before he had time to recover from his astonishment, a shower of school books would be thrown simultaneously at his head, under the weight of which he would sink to the earth and then meekly capitulate. Of course there was some little difficulty in selecting who was to beard the lion, and thus give the signal for battle. The lot fell upon myself. It was the kind of part I really liked to play, for it promised to give results in the way of fame, out of all proportion to the risk incurred. Never a doubt had I that if I performed my part my school-fellows would duly perform theirs; but alas for the vanity of human expectations, as I delivered the "cheeky" words which were to be the charter of our freedom, audibly and confidently, a sudden silence seemed to fall on the school. Not a book stirred. Never were boys so entirely occupied with their lessons. *Conticuere omnes, intentique ora tenebant.* My fate was sealed. The Vicar seemed to grasp the whole situation. The silence of the school was suspicious. I remember his sardonic smile even more than the thundering reproof that followed, and whatever may be said of the other canings I received, the particular switching I got on this occasion was certainly well deserved.

Great, however, as this reverse was, it did not have the effect of quenching our aspirations for freedom. New plans were formed, new tactics decided upon. What we had failed to achieve by force must be secured by cunning. We determined to run away.

It really seemed too simple for words. All we had to do was to go, and it was so much the more simple as the Vicar had the gout and was physically prostrate. Our spirits rose as the day approached. Little details of our flight were carefully thought out. The exact destination was left unsettled, but none of us doubted that the Promised Land would reveal itself to us the moment we were fairly clear of the premises, and so away we started, as hard as we could run, over hedges and ditches, until we had left the hated school far behind. Then there was a halt. It really must be decided how far we were to go. Divided counsels prevailed; valuable time was wasted; no decision was arrived at; then some one suggested a retreat; carried unanimously. All went well at first; we did not seem to have been missed, but just as we were about to cross the last fence that divided us from the play-ground, whom should we see steadily watching us and marking us down one by one, but the Vicar's eldest son. Now a bishop, he was then a gentle-minded undergraduate, popular with us all, but such a flagrant case of insubordination as this, occurring under his very nose, was too much even for his placid good-nature. We were all of us reported, and I and one or two others, justly regarded as ringleaders, felt once more in the familiar way the heavy weight of the Vicar's displeasure.

And so these early days, with all their joys and sorrows, their hopes and disappointments, glided gently on till I was nearly twelve years old, when

without anything to foreshadow the change that was approaching, they came to a swift and striking termination. The veil lifted indeed after the manner of a fairy tale. My mother, whom I supposed to be in India, had in fact arrived to take me away. I might almost say this was my first introduction to her, and the impression she produced on my senses is something I can never forget. I have already said how beautiful she was, but I do not think, as a boy, on this occasion I was so much impressed by her beauty as by the colour and richness of her dress and general appearance. Everything was very homely in this little Yorkshire village; silks and satins were unknown, and such a vision as my mother presented was something my eyes had never beheld before, nor imagined, and when she proceeded to shower gifts on me in the shape of toys which were also new to my experience, it is not surprising if I almost thought she was a visitor from another world.

I was almost immediately taken away, and the next year of my life was passed at a school at Brighton, a quite uneventful time, and only noticeable as being the one year of my education when I ran the risk of being spoiled by the rod being spared. The master of the school disapproved of corporal punishment.

In 1857 my father came home from India on furlough, and decided to send me to Westminster as the family school, with a view to my being prepared later for the Indian Civil Service, which might be described with equal truth as the family profession.

CHAPTER III

WESTMINSTER School illustrates, in a remarkable degree, the strength of Public School sentiment among Englishmen. Unlike Eton and Winchester and other great schools situated amid beautiful surroundings, Westminster has nothing but her traditions, and association with the glorious Abbey, to keep alive the loyalty of her sons. Once indeed she could boast like Eton of the silvery Thames, but those days are gone never to return, and the sentiment of the school has to survive as best it can in the midst of a wilderness of bricks and mortar, which make it difficult to say where the boundaries of the school begin or end. Much the same fate overtook Charterhouse and St. Paul's, but whereas those two great schools thought it best to accept facts and meet them by transporting themselves to more favoured sites, the *religio loci* at Westminster is so strong that whenever the question of removal has been discussed at meetings convened for the purpose, there has been an overwhelming feeling in favour of non-removal. It has been said indeed of Westminster that everything there is antique and nothing antiquated, and I am sure it was because he felt so

strongly the spirit of the place, that my father determined to adhere to the old school which he loved so well, notwithstanding the outward change that had taken place since the days he had been there himself.

And so it was as the inheritor of these feelings, and with no little pride, that I drove under the great doorway of Dean's Yard, and found myself enrolled as a boarder at "Rigaud's," a house which was really under the management of one of the assistant masters, the Reverend B. F. James.

All the boys at a big school have to submit to much inquisitive questioning, and the first boy to interrogate me in the usual way was Walter Phillimore, now one of His Majesty's Judges. I thought him very gentle and polite, but he had scarcely left me before a great hulking fellow came up and asked me what I meant by wearing such light-coloured trousers. We were in the playground at the time; it was a raw day in November, and the ground was very greasy and sloppy. Before I had time to explain (and I really think there was a good deal to be said for my trousers) my questioner gave me a violent push which sent me sprawling in the mud. I don't suppose I was hurt, and my trousers were now as dark as could be desired, but oh! how I hated that scion of a noble family (for such he was) who had pushed me. I have never seen him since these school days, but his face, figure, and voice are stamped on my recollection, as fresh as they were on that raw November day.

As is generally known, there is at Westminster, as at Eton and Winchester, a foundation for scholars. What are called "Tugs" and "Oppidans" at Eton are known at Westminster as King's Scholars and Town Boys, but there is this difference, that at Westminster no one can be a King's Scholar without having first been at least a year at the school as a Town Boy, whereas at Eton and Winchester boys are elected on the foundation from without. There was thus no ground for regarding King's Scholars as socially inferior creatures. They were, in fact, the *élite* of the school, and more than held their own in the sports as well as the studies of the place. The foundation at Westminster consisted of forty boys; each year ten boys who had completed the full course of four years, left, and ten new boys were elected in their place. The mode of election was peculiar to Westminster. Instead of the usual competitive examination, the candidates were sifted by a process which was called "challenging." Two boys at a time would stand before the headmaster and examine each other, each trying to trip the other up by detecting him in some false quantity or other mistake. The headmaster was the umpire. If the lower of the two boys was successful, he would take the other's place and proceed to challenge the boy next above him. In this way it would happen sometimes that a boy quite low down in the list of candidates would work his way through several places, beating boys much higher in the school. The first ten boys at the end of the challenge

would be elected, and they would maintain the same order of precedence to the end of the college course. Thus the boy who was elected captain of his year was predestined to be captain of the school in his fourth year, and the three boys immediately next to him were equally marked out as future monitors. Like every other system, there was much to be said for and against "challenges." Sometimes success would be very tricky. The candidates were "coached" by older boys who had passed through the ordeal themselves; much depended on the relative skill of these "coaches," and the contest was apt to depend too much on trifling catchy points discovered by the coach, which had little or no bearing on the candidate's real knowledge of his subject. On the other hand the system brought into play the exercise of qualities which were useful in the formation of character. It taught a boy self-reliance, and how best to use the knowledge he possessed though his stock of it might be much less than that of his adversary; in a word it resolved itself very much into a struggle between the boy who was best informed and the boy who was best witted.

When it came to my turn to be a candidate for election, I was very low down in the school, neither well-informed nor quick witted, and it is not surprising, therefore, that I failed to secure a place among the successful ten. Happily, however, for me, before the year was out, three of four boys had to leave college by getting into a serious scrape, and by this

lucky accident, I was enabled to sneak into college as a supernumerary.

The Captain of my year was Walter Phillimore, whom I have already referred to, a remarkably clever boy, and next to him were two who ran him very close, J. L. Shadwell, and G. T. M. O'Brien. These three boys conferred great distinction on my year by reason of their exceptional ability. Phillimore's success in life is well known ; at school, college, and at the Bar it is the same story. He has plucked with ease the fruit from every tree, without ever seeming to know what failure or discouragement might mean.

Poor Shadwell's future was very different. What distinctions he might not have attained had the Fates been kind, one can only guess, but shortly after leaving school he was overtaken by perhaps the most terrible calamity that can befall poor humanity : an affection of the eyes resulted in total blindness. I used to see him from time to time, and never found him other than patient and even cheerful. He was still in early manhood when death put an end for ever to his blighted hopes and more than patient suffering.

G. T. O'Brien, now Sir George O'Brien, K.C.M.G., the third of my trio, was perhaps the cleverest of the three. He was one of those boys who are good all round, fortunate enough to succeed in all they attempt either with their heads or their hands. After leaving Cambridge he entered the Ceylon Civil Service, and has only very recently retired from the position of Governor of Fiji. He and I were fast friends, and I

was not a little proud of his friendship, for neither at books nor games was I within measurable distance of what he was able to accomplish.

My life in college was very different from what it had been as a Town Boy. The discipline in college, though severe, was admirably organised, and there was little or no bullying. Among the Town Boys it was different, and though I don't suppose there was very much bullying, yet unless you happened to be in the sixth, might was right, and there was little or no check on a boy who was disposed to play the tyrant. I remember one such fellow at Rigaud's, who used to lead the smaller boys of the house a life of misery. One of his favourite devices was to immure a small boy in a cupboard and then smoke him by passing flaming newspapers through a big hole in the door. It was not an easy matter to stamp out these flames quick enough, nor was it exactly a consolation to know that the harder you worked the thicker the smoke. Bullies, however, are notorious cowards, and M—— was no exception to the rule. It came to the point that we determined to put an end to his tyranny, but to do this we had to rely on ourselves, for the head boy of the house was indifferent, and to sneak to the House Master was of course out of the question.

History has a way of repeating itself, and I found myself called on to play much the same part I had already played at Newbald Vicarage. Surrounded by the other boys, I chose a favourable moment to tell M—— that we had had enough of his bullying, that

we had tried him among ourselves, and had sentenced him to be smoked according to law. To the amazement of all of us M—— made no reply. He walked into the cupboard like a lamb and was properly smoked, and, as it turned out, "cured," before he was allowed to emerge.

I do not know whether it was this unexpected triumph which tempted me into further exploits, but it was not long before I found myself in collision with Bully No. 2. He belonged to another house, and had never done me any harm whatever, but seeing him one day worrying a boy up school, I used some expression which provoked him, and turning on me he challenged me to fight. This was not at all what I wanted. Words were all very well, but while argument was welcome, blows I detested. I have always shared the view of the man who, when challenged to fight a duel, declined, on the ground that he hated no man sufficiently to wish to take his life, and loved no one enough to give him a chance of taking his. This is how I felt when J—— challenged me, but I had brought it all on myself and there was nothing for it but to accept, and to assume an indifference which was far from real.

School fights at Westminster were treated seriously; they were usually fought according to their importance, in the big or little Cloisters of the Abbey. Tacitly recognised by the masters, it was a point of honour with the school that they should be conducted with the utmost fair play, and in strict conformity with

the rules of the Prize Ring, so far as was possible. Accordingly, early the next morning, an hour before school, J—— and I, attended by our seconds, faced each other in the little Cloisters, with deadly purpose. My little stock of natural courage dwindled as I watched my antagonist strip for the fray. Taller, stronger, older than I was, what chance had I of overcoming such a foe? Very nervously I stepped forth to meet him. Almost immediately, while striking wildly with my fists, I received a blow which sent me staggering. Base thoughts of apology and surrender surged through my soul, but happily only for the moment; a few more wild blows on either side and the round is over. Breathless we pause for rest, but not for long. The ring is impatient, and so are the seconds. Time is called. Warily, very warily, I advance to renew the struggle. What is it I see? Yes, J—— is surely hesitating; Agag himself could not step more delicately. Poor fellow! no wonder; one of his eyes is discoloured and nearly closed. I begin to feel pity. How absurd this fighting is! But peace is not yet. We close again. I dash out with my left. A loud shout follows. What has happened? Guided by some friendly goddess my fist has descended on the hapless eye already injured. A man cannot be expected to continue a fight if he cannot see. J—— is a sensible fellow; he recognises this truth, and I admire him for it. The fight is over; we shake hands, and I leave the Cloister feeling at least an inch taller.

This was my only fight at Westminster, and it was

not till many years after that I found myself compelled by force of circumstances to rely upon my fists. I had taken a cab to Charing Cross Station, and a dispute arose about the fare. Explaining to Cabby what I conceived to be the right distance, he replied by calling me flatly a liar. I cannot say I minded this very much. There was that in Cabby's tone which made me sure he didn't mean what he said, but as an Englishman I was impressed with the conviction that whatever else a man might call you, if he used the word *liar* it was your imperative duty to knock him down. Every nation has its own standard in these matters. An insult in one country passes harmlessly in another. If you call a Frenchman a liar, he takes it quite calmly. He will probably reply with a polite bow: "*Mais certainement, Monsieur, nous sommes tous menteurs.*" Venture, however, to call him a *cochon—le mot interdit*—and he will spring on you like a tiger. An Englishman attaches so much importance to truth. Forgetting that deceit in its origin is a contrivance of nature to protect us from our foes, he is impatient of the thought that an Englishman could be guilty of anything so mean as a falsehood, and so it came about that, holding very strongly to this creed myself, I felt it my duty to be true to principle and I struck Cabby a blow full in the face. The results were not what might have been expected. Cabby neither reeled nor fell, neither swooned nor uttered cry, nor did he do anything in self-defence. He only smiled, taking no more notice of my blow than if a fly had settled

on his good-natured face. Such philosophy disarmed all my wrath, and we quickly made friends, but not before a little urchin, who knew far more of the ways of a Police Court than I did at that time, and the value of a good witness, had run up to me and touching his cap said : " Please, sir, I heered him call you a loiar ! "

Before I leave these fighting memories, I must allude to a memorable encounter at Westminster which took place in the Great Cloisters in the presence of the whole school, and which might fitly be compared with the famous fight of fiction which everybody has read with delight in " Tom Brown's School Days." The fight was remarkable by reason of the singular pluck and endurance of the two boys who fought it. Between forty and fifty rounds were fought, and the combatants were so equally matched in all respects that in the end it had to be declared a drawn battle. It is interesting to remember that one of the boys who thus distinguished himself was the present Mr. Justice Bucknill, who has since brought into the battle of life the same qualities of perseverance and pluck that brought him honour and fame at school.

During the year I was still a Town Boy, and indeed, I may say, the whole time I was at Westminster, I was possessed with a passion for reading novels which was almost uncontrollable. One day, reading " The Romance of War " when I ought to have been doing lessons, the House Master spied me and promptly confiscated the book. I was frantic,

and I determined to get it back at any cost. Watching my opportunity, I stole into the master's private room, saw the book put away on a shelf, seized it, and hurried away triumphant. This perhaps doesn't sound a very great achievement, but really, it was about the most daring and impudent thing that I or any other boy could have done, and it exposed me to the risk of expulsion. The room was absolutely forbidden ground. To enter it as I did, and to run away with the book, was not only an act of insubordination but of defiance as well. I remember the amazement of the master when he became aware of my conduct. He made it the subject of a special letter to my father in India, and I am afraid he formed the worst opinion of me, but then he didn't realise—how could he ?—the intense interest I took in " The Romance of War."

I was not much more than a year at Rigaud's when I was elected into college as a supernumerary. It was like being moved to another school, so different was the life. " College," regarded externally, was a long, two-storied building arranged with much simplicity. The lower floor was divided into two bare, comfortless rooms, one being reserved for the two senior elections, the other for the two junior; the only difference being, that the Seniors' room was to a certain extent sub-divided into small compartments which served as studies for the very senior boys. The upper floor ran the whole length of the building and constituted the dormitory for all the boys in college, forty in number. There were no servants on

the premises. Mysterious charwomen from the outside came in the morning and did the necessary menial work, and then disappeared for the rest of the day. All the work that a servant might naturally perform, such as answering door bells, &c., was done by the Junior boys as part of their fagging. Much of this fagging was arduous enough, but perhaps the most irksome service of all was having to get up in the small hours of the morning, sometimes as early as 3 a.m., and not only light, but lay the huge fires in the two sitting-rooms. This was necessary to enable the Senior boys to work out of hours and prepare for their examinations, and it was the duty of each Junior in turn to call them in the morning, and have cocoa and toast ready when they chose to come down. It was a trying thing when your companions were all sleeping soundly in that long, weird dormitory, to have to wake yourself with an alarum, steal down the dreary stone passages, and build up proper fires, and the bare thought of it used to haunt me whenever my turn would come in sight. On one occasion, having gone to bed, I dreamt honestly that another Junior had agreed to take my duty the following morning, and so I slept on peacefully until seven o'clock, when I was somewhat roughly awoke by finding a group of Seniors at my bedside, angrily inquiring why they had not been called. Full of my dream, I referred them cheerfully to the friend who had agreed to help me, but of course all he could say was that he knew nothing about it. Then did I realise that it was

indeed a dream and nothing else. In vain did I plead for indulgence. I am afraid my dream was not believed in, or at all events it was a bad habit that required to be cured, and relentless punishment followed.

It will be seen from this little story that college discipline was severe, and it was backed by a not less severe system of punishment. The mildest of these was to stand with " hands down " and have your ears soundly boxed, and perhaps the most searching was to stand resting one foot on a chair and receive a running kick from behind. This last might easily have resulted in injuring a boy for life, and in fact was very seldom resorted to. These punishments were never carried out by the Senior boys themselves. The duty was delegated to boys in their second year, who thus played the part of executioners and who were supposed to have no feeling in the matter, which not infrequently was supposing a great deal too much.

The school buildings at Westminster, notwithstanding their squalid surroundings, perhaps all the more for that reason, were calculated to leave a very lasting impression on a boy's mind from their antiquity and their associations.

The great schoolroom had been the dormitory of the monks in former times. It was nearly 100 feet long, and possessed a fine timbered roof. At the upper end it was scooped like a shell, thereby giving the name of " shell " to one of the school forms, a

term which I believe has found favour at other public schools, probably copied from Westminster. The walls of the schoolroom from end to end and from floor to ceiling were covered with the names of old Westminsters, the dates of some of them going very far back and possessing a quite historical interest.

Stretched across the schoolroom, and almost lost in the intricacies of the roof, was an iron bar, which probably was intended originally to mark a division of the room, but custom, long consecrated, had turned it to a different purpose.

Every Shrove Tuesday the college cook attended " up school," carrying in a frying-pan a stiffly made pancake, which he threw over the bar, to be scrambled for as it fell on the other side by a crowd of schoolboys. If the cook succeeded, he obtained a sovereign, and in like manner the boy who was fortunate enough to seize the pancake and carry it off to the Deanery received a similar reward.

Another ancient custom was connected with St. David's day—the first of March. The day was observed as a holiday, and every boy who was fortunate to establish his claim to being a Welshman received a tip of a sovereign from Sir Watkin Wynn, who generally attended to represent the Principality. The ceremony took place up school, and as may be imagined, there were no lack of competitors eager, for one day at all events, to prove their Welsh descent.

The College Hall, where the Queen's scholars had

their meals, was not less interesting than the school-room. It was the ancient refectory of the monks, and the long oak tables were supposed to have been made from Armada oak.

There was a huge stove in the middle of the room, where the " fags " would prepare toast for the seniors and afterwards for themselves. The bread was cut in slices beforehand by the cook.

I have never tasted anything to equal this Westminster toast. The fires, always red-hot, without any black coal visible, were exactly suited for the purpose, and much practice had taught the fags to use their toasting-forks like experts.

Breakfast was thus quite a wholesome meal, but the dinners were execrable. They disgusted me so much, that as soon as grace was said I used to make my way out of the Hall to the pastry cook's, and there console myself with pork pies and a liberal second course of pastry and tartlets, not perhaps to the entire benefit of my health or of my pocket, but very palatable and succulent withal.

The headmaster of Westminster in my time was Dr. Scott. He had the reputation of being a good scholar, and having been at Eton he had no difficulty in adapting himself to the spirit of a public school, but his heart was in teaching more than in administration. He was popular with the sixth form, but to the school in general he was little more than an abstraction, except when boys were delivered into his presence to be " handed," and then he became very much of

a reality. To be "handed" was to be birched on the back of the hand. The birch consisted of seven long twigs tied together at one end with string. It was kept like a sacred deposit in the drawer of a venerable chest up school. with Dryden's name carved on it. When a boy was to be "handed" he was sent up to the headmaster in charge of a monitor, who would reverently lift the birch from the drawer, holding it with his sleeve, and hand it to the headmaster. The culprit then, in the presence of the whole school, would receive five or six cuts on the back of the hand quite sufficient to break the skin.

It was the last and not the first of the strokes that was to be dreaded. By that time the twigs were broken and scattered, and little more than the stump of the rod was left. The great art in receiving the cuts was to protect the thumb, and turn the hand sideways as much as possible. I had a great many of these handings—seventeen in number—and each time it was for one of two faults—impudence or idleness—and the greatest of these was impudence. I never could resist "checking" any one in authority.

I have pleasant recollections of the masters. One of them who was there for many years, the Rev. James Marshall, was greatly esteemed for his grave courtesy and inflexible justice. I remember on one occasion getting the better of him by means which redounded very little to my credit. It was the time of year when the school held its athletic sports. These sports had only lately come into fashion, and,

like all novelties, they were the subject of much interest and excitement. Unfortunately they were also the cause of a good deal of mild speculation, and many of us, of whom I was one, would back our fancy for one event or another by making small bets. I was in Marshall's form, and not being particularly interested in the lesson, whatever it was, I took out my little pocket-book and began to study my bets. Presently I became aware by a sudden change in Marshall's voice that something was happening, and in another instant I realised that, suspecting what I was doing, he was reading me a severe lecture on the iniquity of betting. Instinctively I felt I must do something or I was lost, and acting on this impulse I stood up in my place, and holding out the betting book, exclaimed in a pained tone, "Look at it, sir!" The effect was magical. Marshall recoiled as if he had been stung. He was too much of a gentleman to carry his suspicion further; I believe he would have died rather than look at the book. He murmured a few words which almost amounted to an apology for having suspected me without cause, and the incident ended, leaving me with good reason to be ashamed of my victory.

At Westminster it goes without saying that there was plenty of cricket, football, and rowing, but there was one privilege attaching to the Queen's Scholars which gave me keener enjoyment than all the games put together, and that was the ancient right of attending the debates in the House of Com-

mons. I don't know how old this privilege was; I think it dated from Queen Elizabeth; but whatever its origin it was never questioned by any of the numerous doorkeepers in the Palace, and a Westminster boy in cap and gown might be said to have the run of the place. In the House of Commons we were exceptionally favoured, for we were allowed to seat ourselves in the House itself on a bench which is shared with peers' sons, facing the Speaker's chair. Unluckily it was only on Wednesday afternoons that the exigency of school hours allowed us to use this privilege, but even thus I profited enough to be familiar with most of the leading figures in the House, and to take the greatest delight in hearing the speeches. I am not at all sure that this habit and taste for listening to speeches did not help me in after life, when as a barrister I was driven to make humble efforts in addressing juries, and on other occasions; but however this may be, the mere fact of listening to the debates was an education in itself as well as a source of pleasure. Once, too, I remember its being the occasion of a pleasant little surprise. As I was going up the great flight of stairs from Westminster Hall, a kindly old gentleman stopped me and, after putting a few questions, wished me goodbye, at the same time slipping a sovereign into my hand. As he passed along out of sight, I asked a policeman on duty who it might be. "That, young gentleman," he replied, "is the Earl of Mayo."

It was not only the House of Commons to which

we had access but to the Law Courts as well, which of course then were in Westminster Hall, but these were generally crowded and not always easy of approach. Once having struggled into the Divorce Court to hear some *cause célèbre*, I found myself being severely frowned upon by the Judge, Sir Creswell Creswell, and was very quickly ordered out of the place.

I cannot quit the subject of my Westminster days, without saying just a word of the grand old Abbey, which influenced my imagination perhaps more than the school itself, and through my imagination must have had some effect on my character. It is not generally known how closely the abbey is associated with the school. From the earliest times, in the reign of Edward the Confessor, there was a school attached to the Abbey, and from the latter part of the reign of Edward III., down to the dissolution of the Abbey, a salary was paid to the schoolmaster, styled "*Magister Scholarium pro eruditione puerorum grammaticorum*," who was distinguished from the person who taught the children of the choir to sing. On the surrender of the Monastery to Henry VIII., that monarch included the school in his draft of the new establishment for the See of Westminster, and the settlement then made, with some notable additions by Queen Elizabeth, has virtually continued down to the present day. The Abbey is the chapel of the school, and it is this consideration more than any other that has saved the school from removal

into the country. Old Westminsters felt that to sever the school from the Abbey would be tantamount to destruction. Transplanted to the country, a school might spring up incorporating many of the traditions of Westminster, but without the Abbey it would lose its most distinguishing feature, and to call it Westminster would be sheer profanation.

I left the school at the end of my third year in college. I have often regretted the necessity that led to this. Had I stayed one year more, I should not only have tasted the sweets of power that belonged to the Seniors, but I should have had the right to act in the Westminster Play, and I might not inconceivably have been elected as a student of Christ Church or Trinity, Cambridge. But there were good reasons why I should leave. I had made but little progress at Westminster, in fact I had learned little or nothing, and as it was settled that I was to go into the Indian Civil Service, it was high time that I should go to a tutor and be specially prepared for the very stiff examination that was necessary.

Accordingly I said goodbye to Westminster, and was sent to a private tutor, the Rev. A. Bishop, a most estimable clergyman who had a charming rectory at Martyr Worthy, a few miles from Winchester. There was much in the change which was agreeable to me. It could not but be a joy to escape from the murky surroundings of Westminster and to breathe a pure air under a visible sky in a lovely stretch of country.

The Bishop family too were kind and sociable, and the amenities of the Rectory contrasted pleasantly with the rough, unsympathetic life to which I had been so long accustomed. Nearly all the pupils were being coached for the army, which at that time was not very difficult to enter, and thus my tutor was led to take a more special interest in my work and that of one other lad, who, like myself, aspired to something higher than a commission in a line regiment. He had a delightful way of imparting instruction. Devoted to the classics, he would read Greek plays with us in his cosy little study, with a bottle of claret on the table, in the most familiar, friendly way, much as a father might read Shakespeare to his children. I made rapid progress, and my tutor was so satisfied that he advised I should have at least a year at Oxford, and even try for a scholarship. This was perhaps flying too high, but Oxford was determined upon, and in less than six months, and while I was still only seventeen, I had matriculated at Brasenose College.

Short as my stay at Martyr Worthy had been, and preoccupied as I was with Greek plays, I managed to find both time and opportunity for my first lesson in love-making. All my life, and I am grateful for it, I have been susceptible to the charm of woman, and if I were writing these pages for my own delectation, the passages in my life which I should most love to recall would be those in which the blue or the black eyes of some goddess or other have played a leading

part; but of course, these are just the passages that I must severely avoid, and they can only be touched on generally. Let it be understood, then, in a sentence, that I have had all the usual experiences. I have known what it is to propose to the wrong woman at the right time, and to the right woman at the wrong time, to be accepted and then gently released, to be rejected and yet to survive, and finally after all these vicissitudes I have been rewarded with as full a measure of domestic happiness as man could wish for. In the society of my wife and children, I have envied no man anything. *Vixi in freto, morior in portu.*

The nymph who charmed my senses away at Martyr Worthy was a guest in the house, and as we only met when others were present there seemed little or no chance that I should ever get beyond the stage of secret and silent adoration. But the Fates were kind in an unexpected way. The day began at the Rectory as it properly should, with family prayers before breakfast. Early rising has never been my strong point, and one morning, being just a little late, I had the misfortune to find myself shut out from prayers. By a curious coincidence, the same fate had befallen my charmer, and there we were, secure against any interruption, and with a good ten minutes on our hands. There was a little room adjoining, into which, like the naughty people we were, we crept, and there the happy minutes sped. I should not like to say how often I was late for prayers

after this, but I am afraid it was not until that sweet little guest had tripped away that I gave any thought to punctuality, and no doubt in this I was largely assisted by the sleepless nights which attended her departure.

CHAPTER IV

I WENT up to Oxford in the October term of 1863, and forthwith entered upon perhaps the happiest period of my life.

Barely six months had passed since I was being "handed" up school at Westminster. Now, though not yet eighteen, I was a man by courtesy and custom if not in wisdom and growth, and all the pleasures that attend early manhood seemed to be unrolled at my feet. Nor could I have selected a college more suited to a pleasure-loving temperament than Brasenose. The colleges at Oxford vary as much as the stars in the firmament. There is one glory of Balliol, and another glory of Christ Church, and so on. The special glory and boast of Brasenose was that it had always been a sporting college, and no one was more careful in the sixties to maintain its reputation than Dr. Cradock, the Principal. A keen admirer of cricket and rowing, it was an open secret that little or no difficulty would attend the matriculation at Brasenose of any Public School boy who had distinguished himself by prowess in outdoor sports. So well and widely was this recognised, that Brasenose attracted to itself the best cricketers from the different

Public Schools, and in one year was able to contribute no less than seven players to the University eleven, and I believe I am right in saying that the same season a Brasenose eleven played a match against all England. Every Oxford man, and for the matter of that Cambridge men as well, will easily recall the decade which produced such cricketers as R. D. Walker, C. J. Ottaway, E. L. Fellowes, Hadow, and C. K. Francis (now one of my most valued colleagues), not to mention others, all of whom hailed from Brasenose.

Nor did the college lag one whit behind in its performances on the river. Duncan Pocklington, destined, alas! by too severe a fate for an untimely grave, beloved at Eton and at Oxford, will always be remembered as one of the most incomparable oarsmen that Oxford ever produced. With such a stroke, and backed by W. B. Woodgate, that great giant of the rowing world, Seymour Coxe, R. Shepherd, and S. E. Illingworth, Brasenose was always head of the river or near it, the only college in my time that was able to dispute its pre-eminence being University.

I think I must count it as one of the minor disappointments of life that I was never able to win distinction in outdoor games, nor even to join in them with quite sufficient ardour. I tried hard to qualify in rowing, so as to be of some use to my college, but I soon wearied of it. The blisters, the self-denial required by training, and, above all, the deadly monotony of keeping time and watching the uninter-

esting "back" in front of me, all combined to sap my enthusiasm. I gradually forsook the Thames, with its fierce claims on one's leisure, for the Capuan joys of the Cherwell, where, moored under a tree in a cushioned punt, well stocked with novels, cigars, and cooling drinks, I enjoyed a blissful repose, which, however inglorious it might be, was at least congenial to my degenerate nature. It only required a companionship such as I had enjoyed at Martyr Worthy, and, almost in the words of Omar Khayyám, I could have said—

> "A Book of Verses underneath the Bough,
> A Jug of Wine, a few Cigars—and Thou
> Beside me singing on the river—Ah!
> That river were a Paradise enow."

I am afraid I carried the same spirit of languid indifference into my attempts to play serious cricket at Oxford. The game had a bright and captivating side, no doubt, but it was capable of being very dull as well. It might be your fate to get no runs, and to have to field for hours together with no balls coming your way, and I did not see how this could be anything else but slightly dull and uninteresting. I therefore conceived the idea of brightening the game by starting a club which should consist of the pleasantest fellows in the University, who should care less about winning a match than of getting the utmost fun out of the game, one of the rules to attain this purpose being that every one should have a turn at

the bowling if he desired. Curiously enough, this fantastic project took shape, and a cricket club, which we christened the Vampires, or Sucking Bats, came into existence, which, for all I know, may exist still, and which at one time reached such a zenith of fame as to play a match with the University Eleven. Our matches were played against the best sets in the best colleges, and every Sunday we had a luncheon on a great scale to console us for the defeats of the week, or to cheer us on to fresh victories. That was how the club played cricket in its early days, but doubtless this festive side of its character gradually disappeared as serious cricketers joined its ranks, and by the time it played the University I have little doubt it was as decorous and orthodox as any club in the kingdom.

If I turn from memories like these I find little to mark my Oxford life beyond a capacity for getting into scrapes such as I suppose is the experience of the average undergraduate who is not devoured by the ambition to shun delights and live laborious days. A few of these scrapes I remember, and as they are not more trifling than most of the occurrences that have marked my uneventful life, they may as well be recorded, though it must be understood I disclaim any idea of their being in any sense remarkable or out of the way.

I never did a stroke of work more than I was actually obliged at Oxford; so wedded was I to the idea of idleness that if I got through an examination too

easily. I blamed myself rigorously for having worked too hard. I grudged every minute that was not devoted to some form of amusement. I think I had some excuse. The object of going to the University is to take a degree. This can be achieved either by taking honours or by taking a pass. In neither case can a degree be taken in less than three years. For a man who aims at honours every hour of these three years is required, but for one who is content with a pass the waste of time is ridiculous. Things may have altered at Oxford within the last thirty years, but at the time of which I am writing four examinations were required for a pass degree, and there wasn't one of these examinations which required more than a month's steady preparation. Moreover, you were allowed three tries for each examination, and though three years was the least time within which you could pass them all, there was no reason why you should not take four or five years to do it if you were so disposed. Obviously, therefore, there was a very large margin of leisure at the disposal of an idle undergraduate, and if there was abundant leisure, there was certainly also abundant temptation. Given these two great factors, and throw in youth as well, and who can be surprised at the results? The only wonder is that one didn't come to grief altogether. Nor were the restraints imposed on us by the authorities in the way of discipline very severe or exacting. Morning chapel, occasional lectures, and the necessity of being within the college

walls by midnight, summed up practically all that was required, and even these would not be always strenuously insisted upon. For instance, it came to be understood that if you were only sufficiently persistent in not going to chapel, it would end in your being allowed to escape it altogether. There is a good story told in this connection of Richard Harris Barham, author of the "Ingoldsby Legends," himself a Brasenose man. Having been sent for by the Vice-Principal, and politely asked to account for his continual absence from chapel, Barham replied, "The fact is, sir, you are too late for me." "Too late?" repeated the amazed tutor. "Yes, sir, I am a man of regular habits. I cannot sit up until seven o'clock in the morning. Unless I get to bed at four or five at the latest, I am really fit for nothing the next day."

Without having any such an original excuse to offer as this, I was able by meekly following in Barham's footsteps to put forward one on my own account which went further than I could have hoped with the Vice-Principal of my time. Asked by him to account for my absence, I explained that it was really more my misfortune than my fault. I was most anxious to conform to the college rules, but it was a little difficult to unlearn quickly the habits of the Vacation, and my people at home were quite exceptionally late in the morning. "Really!" said the Vice. "May I ask what time you breakfast at home?" "Oh," I replied carelessly, "eleven, twelve, or one."

"You don't say so!" said the astonished Vice; "well, if it really is so difficult, Mr. Plowden, do try and see if you can't go more regularly in the evening." Warmly engaging to do my best, I went my way much relieved, and didn't trouble much about morning chapel again.

It was much the same with the college lectures; a little attendance went a long way. My tutor did not much care whether I was punctual or not. Had I shown marked ability or a burning desire to improve, it might have been different; but it was much the same at Oxford as at Westminster. The clever, ambitious boys were encouraged, but if you belonged to the "ruck" and failed to show any particular talent or zeal, you were left to yourself and neither master nor tutor troubled himself much about you. I was one of the "ruck," and all that I can put to my credit is that I quickly recognised if I was to remain at Oxford there was an end of my hopes of the Indian Civil Service, and I put it quite clearly to my father that he must choose between my taking a degree or going to India. Left to him in this way, my father decided to let me remain at Oxford, and all the prospective hopes of an Indian career were handed over to my younger brother, who was just leaving Winchester. The decision was in every way a wise one, for after all I might have been plucked and my brother was very differently constituted. Cleverer at his books, and far more industrious, he had done well at Winchester, and in due course he followed up his

success by taking a high place in the Indian Civil Service. Choosing Bengal as his Presidency, he passed from one post to another with firm and rapid strides until he was promoted to the important position of Resident at Hyderabad. Here he remained for nine years, discharging the very delicate and difficult duties of his position with complete satisfaction to the Government of India. In due course he was made a K.C.S.I., and having served the full time necessary for a pension, he retired with honour from the service.

His career, and indeed that of every Indian Civil Servant, is in striking contrast to that of the barrister at home. An Indian Civil Servant is paid £300 a year as soon as he lands in India. He is put at once to important and interesting work, absorbing all his energy, and offering the fullest scope for his abilities. Thus, by the time an English barrister has got his first brief, or is regarded perhaps as a rising junior, he is in a position to retire in the prime of life with a pension of £1,000 a year, and a purse comfortably lined with judicious savings.

To return to my idle days at Brasenose, and the confession of my scrapes which, in this truthful narrative, I cannot afford to omit.

The first of these which comes into my mind, was on the occasion of what was known as a college "grind," a steeplechase, the locality fixed for the sport being about three miles from Oxford. These "grinds," though not interfered with, were always

open to interruption by the Proctor, and it was therefore a matter of some concern to keep the date and *locale* as much a secret as possible. On this particular occasion several of us had agreed to go together, and the idea occurred to one of the party that we should go in state. What he meant was this : We were to hire a huge pantechnicon van drawn by four dray horses gaily caparisoned with bright coloured ribbons. The drivers, in appropriate smockfrocks, were to walk on each side of the horses, and we were to proceed at a walking pace the whole way from the Mitre Hotel to the sporting *rendezvous*. Inside, the van was well stocked with provisions, room also being found for a few musicians to cheer us on our road with the popular melodies of the day. It was obvious that a progress of this kind was almost an open defiance of the Proctor. However willing he might be to shut his eyes to the steeplechase, he could hardly fail to feel inquisitive as to the meaning and destination of a huge van which was almost forced on his notice. But the risk, of course, was half the charm, and so when at the appointed hour the van drew up at the Mitre, we entered with light hearts, and to the strains of cheerful music and the popping of champagne corks, slowly wended our way through the streets of Oxford. We had a delightful day, and in the enjoyment of the sport all thought of interruption by the Proctor was forgotten, and so the hours passed until it was time to return, and then a curious thing happened. The light, unrestrained converse, in,

which we had indulged in starting, gave way to uneasy whispering. The music was voted a nuisance. All the life of the party seemed to have died away. One by one, the occupants of that van slipped out, one of the last to do so being a nobleman who has since risen to Cabinet rank in England, after filling the highest positions abroad. As we came within a mile of Oxford, there was no one left to keep me company save a Balliol man who had taken his degree, and who had nothing therefore to fear from the Proctor. Even he, however, failed to be faithful to the end, and when the van finally pulled up at the Mitre, in the midst of a gaping crowd, I was the only occupant who had enjoyed my drive both ways, and escaped without let or hindrance. It mustn't be thought from this, that I had more courage than my companions. What I think I must have felt was this, that as the worst that could happen was a substantial fine, it was hardly worth while to run away from a risk which after all might be exaggerated. It must be added that a fine for me had no terrors whatever. Improvident by nature and untroubled by riches, I had no sense of the value of money, and many have been the hard lessons I have had in trying to learn it since. But there is a finish to the story, which gives it just the necessary comic touch. It was the correct thing at Oxford to shun the dinner provided for you in your college hall, and to take that meal more or less extravagantly at one of the favourite hotels. This was a breach of the Univer-

sity rules, and from time to time the Proctors would make a raid on the hotels and surprise quite a host of delinquents. It had been agreed by our van party that we should dine in the evening at the Mitre, and in due course we all assembled there. The dinner had been carefully ordered, and we were all enjoying ourselves in the most unsuspecting fashion, when of a sudden the door was thrown open, and in the midst of a profound silence the Proctor with his bull dogs was seen advancing to our table, his eye glistening with satisfaction at the haul he was about to make. The humour of the situation appealed to me irresistibly. It was really too droll that after all the care and sacrifices which had been made to avoid the Proctor in the afternoon, when the risk seemed real, now when we were reasonably safe, he should step in and surprise us all. I know I laughed so long and loudly as to make the Proctor quite angry. All our names and addresses were of course taken, and the next morning we were fined ; I paid cheerfully, considering, not without good cause, that I had received full value.

Two more escapades occur to me, much more serious than the above, and which might easily have resulted in my rustication.

The two great rowing colleges, as I think I have said, were Brasenose and University. It was me time of the four-oared races, and speculation to high as to which of the two colleges would prove ht

superior. Wightman Wood, a famous oarsman, now a County Court Judge, was one of the University crew, and he and I laid a wager that one or other of us should give a supper-party according as either crew won. Bets with me, whenever I have been tempted to make them, generally go wrong, and this occasion proved no exception. I had to give the supper, and it may be taken that it was not less hilarious than festivities of that kind were likely to be at Oxford. I was lodging at the time at Standen's well-known rooms at a corner of the High Street facing St. Mary's Church. The supper-room was opposite, and as I was crossing the road, homeward bound, the impulse seized me to climb a lamp-post and smash the lamp. The impulse was easily yielded to, but I had forgotten the police (the day was still far distant when I should have to live in an atmosphere blue with them), and as I dropped to the ground I only just escaped the clutches of a constable who was making for me. There was nothing for it but to run, and I took to my heels in earnest, the constable panting after me. The streets were clear, and after the chase had lasted for a few exciting minutes I had the satisfaction of hearing the sound of my pursuer's footsteps become more and more faint, until they died away altogether. The danger seemed over. I leisurely retraced my steps, and had actually rung the bell of my lodgings, when, to my terror, I saw another constable, who had evidently been waiting for me, cross the road and make straight

for me. There were lights in my rooms, several of my guests having proceeded there after the supper. Among them was W. B. Woodgate; seated at the open window, he noticed the manœuvre of the constable, and, taking in the full meaning of it, he flew down the stairs and opened the door. As I slipped in he hurriedly said to me, "Give me your hat and coat." Both he had noticed as being light in colour. Quick as lightning I passed them to him, and he as quickly put them on. I had hardly got upstairs before the constable was on the threshold, and I heard him triumphantly ask my rescuer for his name and address. It was a very narrow escape. The next morning Woodgate attended before the Proctor, and those who knew him will have no difficulty in understanding what he made of the situation. Easily establishing his innocence, he turned on the unhappy constable, who, dumfoundered at his mistake, could only stammer forth apologies and regrets, which were not accepted until he had received a considerable wigging from the Proctor.

The third and last adventure with which I will trouble the reader was as follows, and then my confession will be complete.

It was the summer term, the most delightful season of the year in the undergraduate calendar. I had just passed "Mods," and as it was still some weeks to the end of the term I could look forward to a spell of almost uninterrupted idleness, my right to which no one could gainsay. My rooms in college

were on the ground-floor, and overlooked the street, the windows, of course, being stoutly wired so as to prevent any possibility of getting out. I had given a dinner to celebrate Mods, and about 3 a.m. we were playing cards in my room, when we were interrupted by a policeman, who, peering through the grating, was so much shocked at what he conceived to be the criminality of our conduct, that he proceeded to lecture us in no measured terms. As he wouldn't desist when requested, I told him I should do my best to make him, and filling a jug with water, I dashed the contents through the window, giving the policeman a good sousing. The remedy was effectual; the policeman without a further word disappeared, and I fondly imagined I should hear no more of the occurrence. The next morning, however, I was roused by my scout bringing me a message at once to attend my tutor. I found him looking unusually serious. He informed me that the Proctor had communicated with him, and he feared it would end in my rustication. Of the two Proctors who were that year in office, one was notorious for his mildness, the other for his severity. Luckily for me it was before the first of these that I was summoned. I defended myself as well as I could, saying that it was the constable's duty to report me if he pleased, but he had no right to lecture me. I was listened to with patience, but the actual facts of the case were too ugly to be got over, and the doom that fell on me was little better than rustication. I was gated for

the rest of the term at six o'clock, a sentence which deprived me at a stroke of much of the freedom I had hoped to enjoy, for in the summer term everybody was in the playing fields till nine o'clock, and the college was practically deserted. But even this was not all. I had still to attend before the college authorities, and well do I remember standing before them in tattered cap and gown, in a very *peccavi* attitude. They were good enough not to add to my punishment, but I was soundly admonished and I had to give my promise not to touch another card that term.

Probably I should not have got off so cheap had I not been somewhat of a favourite with the Brasenose Dons, who indeed were a singularly amiable set of men, always ready to make generous allowance for undergraduate failings. One of them in particular, the Rev. T. H. R. Shand, was remarkable for qualities of mind and heart which endeared him to all classes in the University. I doubt whether any one had a larger share of his regard than I had. Without any call to do so he coached me for my examinations, and taught me to look on him as a friend in every trouble. But for him I believe I should have been rusticated. And many an evening during my long "gating" he would brighten my captivity by inviting me to dine in his rooms, and very pleasant little dinners they were. I can never forget the kindness of this dear old friend, and I rejoice to be able to recall it in these pages.

Many humorous stories used to be told of one or

other of the college Dons. I have spoken already of the "Principal," Dr. Cradock, and his open sympathy with the men who brought fame to the college by their excellence in athletics. The most genial of men, he had one antipathy which he never cared to disguise. He could not forgive a man who was no good to the college. And if he happened to come across such a failure he would speak his mind with refreshing frankness.

One very special gift he had was that of remembering faces. It was his custom on the first day of the term to hold a kind of levée of the undergraduates, and put to them gracious questions about themselves and their immediate concerns. These questions were marked by wonderful tact, and seldom strayed from the mark. But none of us are infallible, and a little slip which the Principal once made, and unfortunately repeated, elicited a very witty acknowledgment. "How is your uncle, Mr. L.?" said the Chief in his most winning tones. "Thank you, sir," was the reply, "he is *still* dead."

On another occasion having asked B. how he had spent his "Long," B. gave a swaggering description of the beauties of the Rhine and Switzerland which he had condescended to enjoy. "Oh yes; a nice little Cockney tour," was the somewhat disappointing comment he drew from the Chief.

But the Don of all others of whom most stories were rife was a certain Vice-Principal who will be easily recognised under the initial C. C. unhappily

loved the Common Room port not wisely but too well, but no quantity he ever took was known to drown his native wit, sometimes playful, but more often extremely cynical. One unfortunate night C. was found clinging to the railings that surround the Radcliffe Library, at a spot just opposite the Brasenose lodge, helplessly intoxicated. As he was gently made to let go, and was being led into the college, he hiccoughed gratefully, "Thank you, old friend, but I was only waiting for the lodge to come round." Another story of him, in which he got much the better of an undergraduate who thought he had got him in a fix, occurs to me. In one of the prayers of the Communion service there is a passage in which an unquiet soul is invited to seek ghostly counsel and advice from some discreet and learned minister. An undergraduate of the college called on the Vice and penitently implored his ghostly counsel. C., after warmly commending his Christian piety, took down a ponderous volume from one of his bookshelves, and handing it to the wretched sinner, said, "Read this carefully, and when you have finished, I have thirty-five other volumes of the same excellent work for you." The undergraduate fled.

On another occasion during a lecture, C. for some reason or other got annoyed with an undergraduate named Litler. At last, losing all patience, the Vice broke out, "Mr. Litler, I see you have no idea of grammatical construction. You are ignorant of the very elements of grammar. Why, sir" (with increas-

ing bitterness), "your very name is ungrammatical!"

Here is another college story, this time of an undergraduate, which for pure confusion of thought must be hard to beat.

There was a well-known oarsman in the Brasenose boat, one R. S. The racing of the college "eights" was a great event during the summer term, and the contests used to continue during eight days. There was some talk of reducing the time to six days, but this innovation was altogether too much for R. S. He bubbled over with indignation, and stammered out, for he stuttered a good deal when excited, "If there are to be s—s—six days, what is the good of calling them e—e—eights?"

I have spoken of the general kindness and amiability of the Dons, but after all they moved for the most part in another sphere of thought and action to that of the joyous young spirits they were supposed to control. It was the companionship of these that gave to Oxford life a perennial charm—a companionship that overflowed into every hour of one's life, fitting itself to every mood and satisfying every need. However much precious time may be wasted at school and college, it is at least the season when the foundations are laid of friendships which last for life. I do not know whether I have been more, or less, fortunate than others, but I do know, and I gratefully acknowledge, how much of the happiness of my life has depended on the friends I have picked

up at every stage. I have seldom been without a nickname. At Oxford I was known as "Baby," at the Bar my friends have called me "Chick." The second was an abbreviation of Chichele; the first had relation I suppose to a baby face, possibly to a baby mind; but whatever the origin of these names may be, I know nothing which gives me more pleasure than to hear myself addressed by one or other of them by some old friend whom I have perhaps not met for years. The old note rings warm and true. I hail it as a token that the old feelings still survive. I know that my own have undergone no change, and I look back with increased affection to Westminster and Oxford as the cradles where most of these friendships were formed, which have accompanied me through life, and which I pray may survive to the end.

There is only one thing left to be said of Brasenose; in fact, no one could write of Brasenose and leave it out. In the Phœnix Common Room, it possessed an institution which was recognised in the University, not only as being the oldest Social Club, but as having a history and traditions which gave it a unique position. It was founded as far back as 1781. The membership was, and always has been, limited to twelve. Once a week they met to drink wine in the rooms of one of its members, wearing a uniform consisting of a dark chocolate coat and cashmere waistcoat with gilt buttons. A high tone of manners was observed at these symposiums. Fines were

inflicted for any breach of decorum, and were noted on the blotting leaves of a book which recorded on the opposite page a list of the members present. These books go back for a great number of years, and though purely social in its objects, such names are to be found among the members as Reginald Heber, Barham, Lord George Grenville, the famous S. G. O. (Lord Sidney Godolphin Osborne), and to come to quite recent times, the present venerable Dean of Rochester.

I had the good fortune to be elected a member of the club while still a freshman, and I associate with my recollection of it, some of the most joyous hours that I passed at Oxford. I remember at one of these "wines," being led into a curious experience, the very last you would expect in connection with a scene so gay and frivolous as an Oxford wine party. In the course of an ordinary conversation, I found myself involved of a sudden in the fearful responsibility of undertaking to compose a sermon. It arose in this way. The talk had turned on the merits of the different professions, and I proffered the remark, somewhat scoffingly, that nothing could be easier than the existence of a country parson, who had no more serious work than to write a sermon once a week. My remark was quickly taken up by a friend to the Church, who hinted pretty plainly that I didn't know what I was talking about; and before I had time to reply he offered to bet that I would not write a *bonâ fide* sermon, taking not less than twenty minutes to

deliver, within a time to be named. I accepted the challenge at once, and set to work on a text that I deemed to be appropriate : " Know ye not that they which run in a race run all, but one receiveth the prize? So run that ye may obtain." I forget exactly what time was allowed me within which to prepare the sermon, but on the appointed day I had an audience, or rather a congregation, which many a curate might envy. My rooms and the passages leading to them were crowded. A watch was placed on the table, which of course I was not allowed to see, and in the midst of a perfectly uninterrupted silence I proceeded to read my discourse, which was listened to throughout with exemplary patience and decorum. At the close I was found to have failed by something less than a minute. I had, in fact, owing to a feeling of excitement, which I could not altogether repress, read a little too fast and so lost my wager. It was a strange and not very creditable experience, but there was at least no irreverence in the way the wager was carried out, and I can safely add that never again did I have the slightest wish to try my hand at sermon composition. I am satisfied, had I gone into the Church I should have made a most disappointing curate, though I might perhaps have done better as a Dean.

CHAPTER V

IN the autumn of 1865 public opinion at home was much exercised on what was known as the Jamaica question.

A rising of the negroes had taken place attended with considerable bloodshed. The Governor, Mr. Eyre, in meeting the emergency, acted with commendable vigour and promptitude. Martial law was proclaimed, troops were hurried up to the scene of the outbreak, and in less than a week the rebellion was practically crushed. In Jamaica the Governor was hailed as the saviour of the island, but as fuller information of the circumstances reached England, a strong dissentient feeling showed itself. The Governor was denounced for having acted with needless severity, and in particular his conduct in trying by court-martial and subsequently hanging a coloured man, G. W. Gordon, who was suspected of being the principal ringleader, was hotly challenged on legal as well as moral grounds. So strong was the feeling excited that the Government appointed a Royal Commission to investigate the circumstances on the spot. The Commissioners, Sir Henry Storks (sent out as Governor), Mr. Russell Gurney, Recorder

of London, and Mr. J. B. Maule, Recorder of Leeds, began their work in January, 1866, and sat for fifty days. The conclusions they arrived at fell short of a complete exculpation of the Governor ; while giving him credit for his action in the earlier stages, the Commissioners were of opinion that martial law was continued too long, and that the punishments were excessive. Upon this, Her Majesty's Government expressed themselves unable to replace Governor Eyre in the Governorship of the island. He was recalled, and my uncle, Sir John Peter Grant, was appointed Governor in his place.

Sir J. P. Grant had made his reputation as a distinguished member of the Indian Civil Service. As Lieutenant Governor of Bengal, the highest post to which a civilian can aspire, he had had to deal with a severe crisis which occurred between the indigo planters of Bengal on the one hand, and the ryots or cultivators employed by them on the other ; a crisis which Lord Canning declared had caused him for about a week more uneasiness than he had known since the days of Delhi. My uncle's mind was eminently judicial, and his character both firm and equable, and his treatment of this difficulty, persevered in through a storm of unpopularity in India and England, was no doubt one of the causes which marked him out as the fitting man to deal with the state of affairs in Jamaica, as they had been left after the rebellion.

The supersession of Governor Eyre meant something more than the mere replacement by one

Governor of another. For two hundred years the constitution of Jamaica had been of a representative character, consisting of a Legislative Council, and an Assembly of forty-five elected members. By an Act of Legislature which obtained the Royal Assent, the constitution was abolished, and when Sir J. P. Grant arrived as Captain-General and Governor of the island, he brought with him an Order in Council establishing a new form of Government and virtually making of Jamaica a Crown Colony.

At the time these occurrences were taking place, I had taken my degree, and was about to read for the Bar in the chambers of a special Pleader. I had no thought of practising in England, my intention being, as soon as I was called, to proceed to India, where I had friends and relations in high places who might help me in making a start. I felt no enthusiasm for my profession or for India, and was ready to seize any chance that offered of earning a livelihood elsewhere. It can be imagined, therefore, what a stroke of good fortune I considered it to receive an offer from my uncle to accompany him to Jamaica as his private secretary. The proposal came in the very nick of time and I accepted it with eager delight, not only as releasing me from the drudgery of the Temple, but as holding out hopes of a career in the Colonial Service, which promised to be much more eventful than the life of a barrister in India.

We sailed from Southampton in August, 1866. At that time the voyage took seventeen days, and I

found the time useful in the opportunity it gave me of learning something of the nature of my duties and studying at the same time the character and disposition of my chief.

The life of a private secretary is happy or the reverse in proportion as he hits it off with his chief, and if the chief is married, and the private secretary can hit it off with the wife as well, then indeed it may be said that his lines have fallen in pleasant places.

My uncle at this time was virtually unknown to me, and to say the truth I felt not a little afraid of him. Apart from his reputation as an Indian statesman, which to a youngster was sufficiently awe-inspiring, there was something in his grave and dignified demeanour which inspired respect and checked frivolity; and yet a kinder, juster man never lived, nor one with a sweeter and more even temper. He was interesting in many ways, and there were curious traits in his character. Shunning any form of exercise, he was nevertheless a splendid picture of physical health and fitness. Indolent by nature, he would get through volumes of work lying on a sofa or even in his bath. He was never idle, and yet to the unobservant often seemed so. He never knew the time of day, nor cared, and he was only punctual through the thoughtfulness of those on whom he depended. He had the gift of mental concentration in a wonderful degree; I have known him pick up a book at random and read it right through, to the small hours of the morning, never putting it down for a moment

till it was finished, and he had the same power of detachment if there was no book to be read. He was fond of carriage exercise, and every evening it was my duty to accompany him on a long drive before dining. On these occasions, after a more or less unpunctual start, it was not unusual to extend the drive for hours, not returning till nine or even ten o'clock for dinner. Silence prevailed after the first mile or so, and I used to find my amusement in speculating how many miles we should cover before my uncle would awake from a deep reverie and give the order to return home.

Such is a slight sketch of this remarkable man. I have met since many who were distinguished in one way or another, but I do not know that I have ever come across one with a more striking and impressive personality—so calm, so sagacious, so just.

He has left his mark in Jamaica. There was hardly a branch of the public service which did not feel the touch of his reforming spirit, and notwithstanding the large expenditure which these reforms required, he was able within two years to convert a deficit of £80,656 into a surplus of £5,550, and by continual wise taxation to maintain a surplus throughout the whole term of his administration. He remained in Jamaica for seven years, and left the island amid universal expressions of regret.

The seat of Government was in Spanish Town, an inland town which had once been the capital of the island, but was now sunk into a state of degradation and decay. Nothing remained to testify to its former

greatness except the Government House, or King's House as it was called, which occupied one side of a spacious square, and the Government Offices which filled the remaining three. There was practically no resident society, and when the day's work was done, and the different officials had flitted away by train to their houses in the country or at Kingston, the desolation was complete and Spanish Town became like a city of the dead.

When we arrived Sir Henry Storks was in possession as acting Governor. His fellow-commissioners had returned to England, but it was not possible for him to leave until he had handed over the reins of power to his successor. Thus for a few days the two Governors were at King's House together, and I remember being greatly struck and amused by the curious dissimilarity in their characters.

Sir Henry Storks was a distinguished soldier, and, I believe, had somewhat the character of a martinet. In appearance he was below the middle height, slight, and very stiff and erect. Punctuality with him was of the very essence of life, and governed every moment of the day. He had two A.D.C.'s, one of whom, Captain Evelyn Baring, has since climbed such heights of fame in India and Egypt, and is now known to all the world as Earl of Cromer. Sir Henry attached importance to externals, and one or other of the A.D.C.'s was always in attendance. A military spirit prevailed throughout the establishment, and it seemed almost unkind that our arrival

should have the effect of dislocating even in the slightest degree a life so beautifully ordered and regulated. But so it was. It was the evening of our arrival. Dinner was at eight, and as the clock struck the hour Sir Henry, followed by his A.D.C., entered the room in full uniform with a stock so stiff with gold lace that it seemed to hold his throat in a vice. Any discomfort he might have suffered from the tropical heat was, however, as nothing to the annoyance, which he could not entirely conceal, when, after waiting two or three minutes, there was still no sign or hint of his brother Governor. He begged that I should see what was the matter. I had my own suspicions about Sir John, and these were fully verified when, on reaching his room, I found him stretched at length on a sofa, very lightly clad, absorbed in a book, and utterly oblivious of all the world besides. I had to return and make the best excuses I could, but I am afraid it required more diplomacy than I possessed to explain away such singular forgetfulness. Punctuality ranked very high with Sir Henry, and it would have been easier to defend a breach of one of the ten commandments.

There is not much that I am able to remember about Jamaica. My life was one of pleasure, though somewhat better ordered than when I was at Oxford. Flirting, dancing, and riding, filled up most of my time. My official duties were light. There were none that I took more seriously than that of revising the *menu* of the day. My uncle, though one of the

most abstemious of men, had the nicest sense in matters of the table. He had a French *chef* with a salary of something like £200 a year, which was within measurable distance of my own, and made me regard him almost as a rival. Seldom has a *chef* had so small a field in which to display his talents. It was hardly possible to entertain much in Spanish Town from sheer want of guests, and in ourselves we were only a party of four the Governor and myself, Captain Owen Lanyon, A.D.C., and H. T. Irving, the Colonial Secretary. The Governor, as I have explained, seldom cared to take much part in ordinary conversation, but he liked to listen to the conversation of others, and we were anything but a silent party when we met round the dinner table in the evening. Owen Lanyon talked with the natural ease and fluency of an Irishman, and Irving, besides being a man of wide reading and information, possessed a keen and pungent wit which made him one of the most delightful of companions. Both these men found in Jamaica the threshold of future distinction. When I left the island, Lanyon succeeded me as private secretary, and turned his opportunities to far better account. Industrious as well as capable, and by no means wanting in ambition, he rapidly acquired the reputation of being a useful public servant. His opportunity came with the Ashanti War of 1873. Sir Garnet Wolseley placed him on his personal staff and selected him to send home with despatches ; further promotion followed, until finally

he was appointed at a critical moment Administrator of the Transvaal, and as such he must always take a place in history as one of the actors in the great drama that found its sequel in the war in South Africa. In 1880 he received his K.C.M.G., and after serving in the first Egyptian campaign with distinction, he accompanied the Nile Expeditionary Force in 1885 as Senior Staff Officer. He returned home with broken health, and died at New York within less than two years.

A touching story of his illness, and very characteristic of the man, was told me by an intimate friend of Lanyon's after his death. He died of a malignant disease of the throat. Uncertain as to what the symptoms might mean, and unable to obtain a definite medical opinion, he determined to get at the truth in another way, and disguising himself as a working man, he presented himself for examination at the Cancer Hospital. Very little diagnosis was required, and when he left the hospital the poor fellow knew that his fate was sealed.

H. T. Irving had come out to Jamaica direct from a clerkship in the Colonial Office. An admirable official and specially versed in West Indian politics, he played a leading part in starting the new constitution. On leaving Jamaica he was appointed Colonial Secretary in Ceylon, and subsequently rose to the position of Governor of Trinidad. He is now retired on a pension and can point with pride to a career which, creditable to anybody, was a brilliant

finish to so modest a beginning as a Government clerkship.

I feel I must say something of Jamaica itself. Judged by mere beauty of scenery and vegetation there is perhaps no more lovely island in the world, not excepting even Java; but Jamaica was specially fortunate in her climate, which, whether you lived in the hills or the plains, was so equable as hardly to vary five degrees throughout the year. Another happy feature was that even in the plains there was little need to fear the heat of the sun provided you took ordinary precautions, and in this respect a pith helmet and a white umbrella might be considered sufficient. The air was never still. Soon after dawn the trade winds would begin to stir the waters, and would gradually increase in strength until at noon quite a brisk sea breeze would be blowing. As the day declined this would gradually die away, and be succeeded by a gentle land wind to soothe and refresh you throughout the night. Locomotion was therefore never impossible on account of the heat, and I must always regret that I did not see more of the wonderful scenery of the island. Every district had its own physical features, and there was as much honest rivalry among the different counties as exists at home: and what the Jamaican planter felt towards his county, he felt in stronger measure towards Jamaica as a whole. His local patriotism was intense, and he was quick to resent any comparison that might be drawn between his beloved island and any

other country in the world, not excepting England. It could not be expected that this ardent patriotism would spread to the Europeans who only came to the island to pass a few years in one official capacity or another. For them life in the mountains, as much of it as could be obtained, was the one desirable thing. Every one who could afford it had a perch of some sort in the mountains, where at least the week end could be spent.

The English troops, consisting of a regiment of foot, were quartered at Newcastle on a slope 5,000 feet above the sea. It was an enchanting spot, with an equable temperature throughout the year of 75°, and the vegetation was magnificent. There were supposed to be five hundred different kinds of fern in Jamaica, and most of these were to be found within easy reach of Newcastle. But, notwithstanding these natural advantages, the British officer found time hang heavy on his hands. There was little or nothing for him to do; no sport—neither game to kill nor games to play. I remember, on my first visit to Newcastle, noticing that almost every officer was "whittling" a stick. There was a great choice of woods in the district and it became at once an occupation and a source of mild profit to work up walking-sticks and dispose of them to some dealer in England.

The only other resource was riding, but riding up and down mountain paths is apt to become monotonous, and on the whole I imagine more lasting pleasure was found with the sticks.

The Governor had a residence in the mountains within easy distance of Newcastle, and every available hour was spent there that could be spared from Spanish Town. The change of climate and surroundings was indescribably delicious, and it was all so easily accomplished. A drive of a couple of hours took you to the foot of the mountains. There your pony would be waiting for you, and then every step you took your spirits would rise as you shook off the tropical heat of the plains and breathed a cooler air.

For a week or two life was worth living, and you thought you would never tire of the fruits and flowers, the humming-birds and fireflies, and all the beauty of nature that surrounded you; but none of these things, even with the joy of health thrown in, suffice in the absence of occupation, and in time the *ennui* that brooded over Newcastle found its way to Craigton, and I, too, would turn my idle thoughts to the necessity of whittling a stick in order to make the dragging hours pass less heavily. There was no Bridge in those days to take the place of outdoor exercise, and, apart from Newcastle, hardly any neighbours within reach.

All the society in Jamaica was to be met with in or near Kingston, where the chief civil and judicial business was transacted, and the merchants had their wharves by the sea. Being a naval station, there were always men-of-war in the harbour, and a West India Regiment, one or more, was quartered not a mile away at Up-Park Camp.

I was two years in Jamaica, and I should have been a much happier man with more work to do, but I never had it in me to work hard unless some one stood over me with a whip; and my uncle, seeing the drift of my temperament, suffered me to do much as I liked. That excellent prescription for a healthy life, plain living and high thinking, was twisted with me into high living and little or no thinking, and the result soon showed itself in failing health. Riding was the only exercise to be had in Jamaica, but it meant something very different from the tingling gallops you enjoy in England. You used a horse in Jamaica very much as you would use a cab in London: it took you from place to place, and, however short the distance to be accomplished, you would have your horse saddled rather than be at the trouble of going on foot. On the other hand the breed of horses was excellent, and the mountain ponies were as good. I had a beautiful chestnut mare which I raced a little, and I remember once embarking in the excitement of a steeplechase. I was no horseman, but I was holding my own fairly well till my mount, very capriciously, chose to refuse a fence and sent me flying over his head; but for the pith helmet I was wearing, the consequences might have been serious. On another occasion I had a still narrower escape in the mountains, where the paths are occasionally very narrow. Backing my pony in trying to pull open a gate, the animal slipped its heels over the edge and had to make a desperate plunge in order to recover

its footing. It was not a pleasant feeling while it lasted, and had the sure-footed little beast not succeeded, little more would have been heard of us, as we must have rolled down the side of a formidable precipice.

I think what helped in no little degree to depress my health was, I will not say the dread, but the too constant thought of Yellow Fever. The Jamaicans laughed at it, and certainly it had ceased to be the frightful scourge it was in the days when "Tom Cringle's Log" was written, but the shadow of it was always hanging about, and it had a way of breaking out now and then in the form of an epidemic and doing much mischief. One such epidemic occurred while I was there, and made itself felt even at Newcastle, which was supposed to be beyond fever range, one officer and forty men being carried off. There were of course more deaths in the plains, and so quick was the action of the fever when it caught hold of you that you would, generally speaking, be either dead or out of danger within three days. It was no unusual thing to chat gaily with a friend and a few days after to hear of his death; and occurrences of this kind in a small community where every death created a distinct gap were apt to make a profound impression and affect your nerves as well.

In this state of mind I gladly accepted an offer from Captain Bythesea, V.C., with whom I had struck up a friendship, to go with him as his guest for a three weeks' cruise on board his frigate, H.M.S. *Phœbe.*

We were away three weeks or so, and though I contrived to get a touch of fever, which I was told was "yellow," at one of the islands we visited, I managed to enjoy myself considerably. I was a favoured guest, as in place of the usual accommodation I had the use of a cabin fitted up with a brass bedstead, cosy furniture, and plenty of books. We visited Haiti and Santiago in Cuba, and we tried to pick up a few pink pearls at a little island on our route. We landed for an hour or two, and had to fight every step we took through clouds of mosquitos. The island had only a few inhabitants, and consisted almost entirely of bush. We managed to secure three or four pearls, and Bythesea insisted on my retaining the biggest. It was slightly clouded, otherwise it would have been a fine specimen, worth, as a Bond Street jeweller told me afterwards, not less than £60 or £70.

This was my last experience in the West Indies. My health did not improve, and, acting under medical advice, I obtained leave of absence and returned to England.

CHAPTER VI

I AM tempted to begin this chapter with two little stories which have reached me from different correspondents since I commenced these Reminiscences. There is little or nothing in the stories themselves, but I do think it rather wonderful that, being so trifling, they should have lived so long in the memories of those who relate them. Ah, if one could but remember and forget just what we please, how differently should we shape our lives!

Here is the first of the two, which I give almost in the words of the writer, a soldier who remembers meeting me in Jamaica, more than thirty years ago. We have never met since.

"DEAR MR. PLOWDEN,—Let me recall the occasion when I met you in Jamaica. Sir John Peter Grant and you dined with the Custos of Trelawny, and among other guests were myself and a Miss Hoskins.

"The conversation turned on Biblical Christian names—mine was one. But Miss Hoskins capped us all by saying, 'My name is Biblical, *both* in the Old and New Testaments.' This was a poser, but you were equal to the occasion, by quoting the genea-

logical tree in St. Matthew, ending with, 'Your name, Miss Hoskins, is *Jessie.*' "

My only comment on this story is that I do not myself remember the occurrence, but I like to think of it as having happened.

The second story refers to a later period of my life, by some few years. I have never spoken to the writer, or heard of him, until I heard from him.

" I happened," he writes, " to be one of the spectators in Court at the Shropshire Quarter Sessions. You were in the midst of a somewhat lengthy argument on a technical point of law, when one of your colleagues handed you a book with the apparent intention of helping you. You immediately began to read the book aloud to the Judge, and so continued for a few moments, when, to your own surprise, and the rest of the Court, the book proved the *exact opposite* to what you were so eloquently pleading for. You threw the book down somewhat disdainfully, and remarked in a very caustic manner, 'Thanks very much, Mr. S——.' "

Is it not remarkable that such an incident as this, so trifling, so fleeting, should have been noted by a casual spectator, and that it should be repeated to me by him a full thirty years after it happened? It is only for this that I reproduce it.

My health was found to be more impaired than I had reason to suspect when I arrived in England, and at the end of my leave of absence my doctor advised me that I had better not think of

going back to Jamaica. From that time almost up to the present, I have been a persistent sufferer from headache in one form or another, varied at regular intervals by sharp and agonising attacks of facial neuralgia. Whether these headaches were to be traced to my stay in the tropics, or whether they may be regarded as constitutional, I cannot say; but that they have had a most depressing effect on my natural energy and spirits cannot be denied. I think for two years after leaving Jamaica I had headache of some sort every day, and for years and years my first waking thought has been whether my head has been free from oppression or pain, and just in proportion as it was free or not, so would I prepare myself for a bright and active day, or one that was dull and depressing.

As to neuralgia, only those who have suffered know what torture it can be. Not infrequently I have sat through cases in the Police Court, quite wild with pain, and been astonished on taking up the paper the next day to see myself credited with vivacious remarks which have even been received with laughter! Reports of this kind always surprise me, and tempt me to say in passing that the hilarity which is constantly referred to as (Laughter), (Much laughter), (Roars of laughter), is almost entirely mythical, and has little or no existence outside the lively imagination of the Reporter.

The dominant note of a Police Court is its seriousness. It cannot well be otherwise when accused

persons are rapidly being dealt with for one crime or another, and anxious relatives are straining their attention to know what the fate of their dear ones may be, whether the punishment will be fine or imprisonment, and, if the former, whether the little sum they hold tight in their hands will be sufficient to meet the claims of Justice. At the same time, tears and laughter are not very far apart, and it is but natural in an atmosphere so charged with feeling that any little incident that breaks the monotony and makes for mirth should produce a ripple that travels to every corner of the Court. Thus, what would hardly provoke a smile elsewhere, may be followed by an almost hysterical explosion in a Court of Law, but there is a wide difference between nervous outbursts of this description, and the joyous ringing laughter you read of in the newspapers as so continuously taking place with very little rhyme or reason.

Moreover it must not be forgotten that on those rare occasions when a witness, by unconscious humour, provokes to exceeding mirth, Judges and Magistrates are quick to suppress it with the crushing rebuke, that has never been known to fail, that the Court is not a theatre. There is something about this withering satire that seems to chill the fountains of humour, judging by the gravity which immediately follows and drops on the Court like a pall. To be suddenly reminded that you are in a place where you have no particular desire to be is

dispiriting enough, but to be reminded in the same breath that you are not in the one place where you would most like to be acts on the spirits like a cold douche, and effectually quenches any spark of humour that may be left. Certainly the Judge to whose fertile mind the immeasurable gulf between a Court and a theatre first suggested itself as a judicial aphorism deserved well of his successors. "The Court is not a theatre" holds the field, and is likely to do so for many a long day, as the best antidote against ill-governed mirth and the soundest prescription yet devised for maintaining the proper dignity of a Court of Justice.

I have felt this little vindication to be necessary. Public servants, as Police Magistrates are, must submit to criticism, whatever it may be, for they cannot defend themselves in print, but that they who have every right to be considered not less dull than other men, should be suspected of encouraging mirth in the sanctuary of their own Courts, has always seemed to me to be carrying a joke a little too far, and the sympathy I have felt for my colleagues I am sure they have extended to me.

Jamaica with all its hopes and possibilities being given up, I turned my thoughts again almost of necessity to the Bar, and entered myself as a pupil in the Chambers of J. P. Murphy, a popular and well-known counsel, enjoying at that time a large and miscellaneous practice. I remained with him for a twelvemonth, and on the strength of the legal

knowledge thus acquired (which, without any reflection on my "coach," was about as little as can be imagined), I was called to the Bar by the Benchers of the Middle Temple in January, 1870.

Seldom, I imagine, has a barrister's wig, assumed for the first time, dignified so little legal wisdom. Most students give themselves two or three years' serious preparation before they are "called." I contented myself with the legal crumbs that fell from Murphy's well-spread table, and the nourishment they afforded went no further than can be expected of such meagre fare. And if my supply of law was thus scrappy at the best, I knew if possible still less of procedure. When I was called I had never so much as seen a Criminal Court. Circuit was an abstraction, and I should have been very sorry to define Quarter Sessions. More deplorable still, I was unable to count among my friends and acquaintance the most valuable ally a barrister can possess, without whose aid he may beat his wings in vain, and never hope to fly. There was not a solicitor in the wide world that I knew by sight, or even by name. Everybody who knows anything about the Bar will understand the full significance of this. Unlike every other calling that is governed by the spirit of competition, the practice of a barrister is made to depend in the first instance less on his own exertions than on the caprice of what is somewhat ironically styled the "Inferior Branch of the Profession." The popular idea of a barrister is that,

like one of Napoleon's soldiers, he carries a Field Marshal's baton in his knapsack, that there is no height to which he may not hope to attain ; and in a sense this is true. The highest prizes in the land spread themselves before his eager eyes, but he must not think he can walk alone. He must obtain the services of a guide, he must be led over the rough places by the hand of a solicitor. There is the plain undeniable fact that not so much as a guinea can the most capable young barrister hope to earn except by the favour of a solicitor, and in addition the still more crushing fact that he is not permitted by the etiquette of his profession to move a finger towards ingratiating himself with a solicitor, except perhaps by marrying his daughter, which is by no means easy, and not always desirable. The more scrupulously, indeed, he avoids contact with the "inferior" branch, the more lofty his reputation as a barrister. Better he should starve than cease to be unapproachable, and if he happens to have a wife and children, why of course it is very sad, but etiquette is a fetish which must have its victims, and is there not the Barrister's Benevolent Society, with its noble provision for those who fall from the ranks, to cheer and console him ? It cannot be denied there is something very magnificent about such a profession as this. "*Morituri te salutamus*" might be the cry of troops of young barristers as they file past the Benchers of their Inn and make their first obeisance to Themis. The solicitor, at that moment of

supreme hope and self-confidence, is hardly present to the imagination, but every succeeding day he becomes more and more real, until at last the grim truth is learnt that without him there is no hope.

There is no exaggeration in these remarks. They express the existing truth, and though no doubt much may be said for a system which has stood the test of centuries and produced a never-failing stream of distinguished men, who in spite of all have climbed their way into the highest places, I range myself now, as I have from the first, on the side of those who would like to see the sweeping away of an oppressive limitation, and a closer union established between the two branches of a great profession, to their own mutual advantage, and to the still greater advantage of the public. The suitable solution would appear to be, as has often been suggested, to allow of a partnership between a barrister and a solicitor, as in the United States; and when a partnership for one reason or another is not feasible, the lay client should be at liberty to consult the barrister direct. If there is to be a middle man at all, it seems at least as reasonable that he should be the barrister as the solicitor. After all, the final responsibility of the case must always be with the barrister. It is he who struggles for the verdict. To make the best fight for his client, he should have the lead from the first, and be entirely independent of the smiles or frowns of the solicitor.

It will not be thought surprising that, oppressed

with these considerations, my early days in the Temple were somewhat forlorn, and as day by day I wearily climbed to my share of an attic which I called my Chambers, my heart would sink not only with disgust at the emptiness and waste of the life I was compelled to lead, but with absolute despair when I thought of the future. All my thought was given to finding an outlet for escape. I sought for employment in every direction: for anything that held out the hopes of a livelihood or that would restore to me some of the activities of life that I had enjoyed in Jamaica.

It was at this stage of my fortunes that I found myself for the first time the victim of a serious attachment. No solicitor, thank Heaven, was needed here. I did all the soliciting myself, and in due course I became engaged. It is a happy thing that no one is too poor to be engaged. If marriage properly considered is the luxury of the rich, an engagement may well be called the consolation of the poor. Certainly these were happy days for me. The course of true love ran with unprecedented smoothness. Nearer and nearer came the wedding day without the faintest sign of any cloud in the sky, and then one fine morning, why or wherefore I cannot say, and would not if I could, she, the very mirror of constancy, she, who had promised and vowed so much and so often, tenderly, yes, and tearfully, set me free. I have never questioned the wisdom of a decree which, however inexplicable, I felt

to be strictly within the rule of many an ancient precedent. That it shattered my happiness for the moment goes without saying, but a Sybarite to the tips of my fingers, and somewhat of a philosopher as well, it was not long before I snapped my fingers at fate, and felt nothing but gratitude for the thoughtful discrimination that had saved me from the experience of "Love in a Cottage" even when shared with a princess. After all, the only certain joys in life are our escapes.

In the midst of these excitements, in the early days of 1873, I chanced to pay a visit to an old Brasenose friend who lived in anything but a cottage. Having few country tastes myself, with a sneaking attachment for Bond Street which neither age nor custom can stale, I am nevertheless content to believe that the life of a country squire in England, with his heart in his estate, should be one of the happiest in the world. Certainly my old friend seemed to think so. Not a day could be spared from his horses or his hounds, and thus it came about that he invited me to make an expedition to Canada in order to inquire into some real estate which he held in a wild island at the mouth of the St. Lawrence, called Anticosti. The proposal suited me exactly as a welcome respite from the drudgery of the Temple, and within a week or so I had taken my passage and was on my way to New York in a Cunarder. I had in fact intended to start a week earlier by the White Star line, but a trifling social engagement, an invita-

tion to dinner, was the cause of my changing my mind; and it was fortunate indeed that I did so, for the White Star boat, the *Atlantic*, was wrecked on the voyage off the coast of Nova Scotia, and became a total loss, more than half the passengers and crew being drowned. Curiously enough I had an almost equally narrow escape on my arrival in New York. I had settled to go by a particular night train to Montreal, but one of my familiar headaches intervening (the only one in my life to which I feel the least indebted) I postponed my journey till the following day, thereby escaping a serious accident which befell the night train. Owing to the break up of the frost, an embankment had given way; the train was derailed and many of the passengers thrown out and injured.

It is not to be expected that I can say anything new about New York or Canada. As far as the ostensible object of my visit was concerned I might have stayed at home, for the Agent of the Estate, who it was feared might be dead, proved to be very much alive and gave me all the information I desired. Thus all my business was quickly transacted and I had nothing to do but enjoy myself. I had taken with me several letters of introduction, and they were the means of my being received everywhere with quite extraordinary kindness and hospitality. Not even in Jamaica was I so spoilt. It was the same in the States as in Canada; clubs and private houses were thrown open to me, and I learnt in the

only way an Englishman can learn it—by travel—the store that is set on the old country. One day I remember, in some small Canadian town, waking up to find the streets *en fête* with flags flying and every sign of popular rejoicing. Inquiring what it might mean, I received a reply which made me blush for my ignorance. Was it not St. George's Day, the Patron Saint of England? Certainly at Home the claims of St. George take a very back place in comparison with St. Patrick and St. Andrew, and there are very few Englishmen, I imagine, who could name off-hand the birthday of the English Saint.

As my stay in Canada was limited to a few weeks, I was unable to travel far, but I succeeded in seeing Niagara, stopping on the way at Ottawa, where Lord Dufferin, who was Viceroy, entertained me with much kindness and charmed me with the magnetism of his manner and conversation. The only thing that militated against my thorough enjoyment of every place I saw, and every thing I did, was the unhappy condition of the roads owing to the break-up of the frost, which made locomotion most disagreeable and at times almost impossible. A thaw in Canada is a big business, not to be concluded in a hurry. There comes a time when you can neither walk nor drive without extreme discomfort—a transition time when sledges become useless and vehicles on wheels require to be uncommonly strong in their springs. Nowhere is this realised more strongly than at Quebec. The railway station is, or was, at the other side of the St.

Lawrence, so that you have to cross the river, three-quarters of a mile wide, before you can leave or arrive at your home. This crossing is effected in three ways: in summer by a ferry, in winter by a sledge, and in spring, when the ice is melting, by canoes which are dragged over and through the ice by men. I made one of the last passages of the season in a sledge, and it was ticklish work. There were places where the sledge had literally to jump to make its way, and it was a marvel how the horse was able to surmount the waves of ice which blocked its path. It was necessary also to know the right track and keep to it, or you might very easily disappear in a hole in the ice. I remember being very much relieved to find myself safe on the opposite shore.

I had a delightful voyage home to England in the month of June, summer weather all the way. Two barristers who had entertained me well in Quebec were on their way to England to argue a case before the Privy Council, and there was a charming lady on board, also from Quebec; and the four of us would sit and talk and play whist on deck every evening, so that I was quite sorry when Liverpool came in sight and we had to say "Good-bye." Altogether my little trip had been a delightful break in my life, and I felt less like settling down to the Law than ever.

CHAPTER VII

ONE of the first things a barrister has to do, who has the strength to resist the seductions of the Chancery Courts, is to choose a circuit. Usually this is simple enough. Most Englishmen are connected with some one county more than another, and they naturally gravitate to the circuit which includes the county where they have lived and are best known. The barrister, in fact, follows the line of least resistance, and goes where there is most hope of obtaining briefs. With me the choice was even simpler, for not being connected with any county in particular, it did not much matter what circuit I chose. Nevertheless a choice had to be made, and after wavering somewhat between the Western and Oxford, I decided on the latter for the reason that among its members were several Oxford friends, and that among its counties was Shropshire, which, though I had never so much as seen it, was the county where my name was most likely to be known if it was known at all.

The Oxford Circuit embraces eight counties—Berks, Oxford, Worcester, Stafford, Salop, Monmouth, Hereford, and Gloucester—and they have usually been travelled by the Judges in this order.

It is what is called a small circuit, which means that though the labourers are by no means few, the harvest to be reaped is scanty. It was not always so. Previous to 1845 for ten years the annual number of cases averaged 245, and in one year, 1827, they reached the record figure of 412. Then there came into existence the Welsh Circuits, which caused a sensible diminution of business, and this was made greater still by the operation of the County Courts Act, 9 and 10 Vict., 1846. Since that date the cause list, reduced to an average of perhaps 70 or 80 causes, has at times almost gone to pieces; and it has always seemed to me eloquent of the desperate nature of a barrister's calling that, notwithstanding this shipwreck of its business, as many as two hundred names continue on the roll-call of the circuit. Nor can it be said that there was anything in the criminal statistics of the different towns to make up for the deficiency of litigation. With the exception of Stafford, where rough and savage crime maintained a high and mournful average, the even path of virtue was but little disturbed in the remaining counties; a fact which, however grateful it might be to the ordinary citizen, carried with it a considerable sense of dissatisfaction to the struggling and ambitious advocate.

But if the Oxford Circuit could no longer point to a golden age of litigiousness and crime, there was no falling off in the attachment with which it was regarded by those who followed its fortunes, a feeling

which in its way is quite as strong as is felt towards Eton or Oxford. An instance of the strength of this feeling showed itself in 1876, when it was rumoured that the Lord Chancellor contemplated changing the name of the circuit to West Midland. This drew a respectful protest from the Leader on behalf of the Circuit. "To us," he said, writing to the Lord Chancellor, "the name of Oxford conveys the memory of great statesmen, eminent judges, profound lawyers, and accomplished orators, and we deprecate changing the name with all its associations for one that conveys no idea but that of an indefinite locality." The appeal was successful, a promise being made that in any rearrangement that might be made, the ancient name would not be interfered with. There was good ground for the Leader's protest, for undoubtedly the Oxford Circuit has worked itself into the national history as the nursery of some of its greatest lawyers and statesmen—Sir William Lenthall, Lord Somers, Blackstone, Lord Kenyon, Tenterden, and Campbell, Talfourd, and Sir John Jervis being some of the distinguished names that are to be found in its records, in a roll which can be traced as far back as 1604.

When I joined the circuit, I think what struck me most was what I conceived to be the absurdity and even tyranny of its rules. I have already touched on the etiquette of the Bar and the heinousness of seeking the acquaintance of a solicitor, but it was not till I went Circuit that I realised how jealous the

Bar was in this matter and how elaborate were the precautions to prevent any chance intercourse between a barrister and a solicitor. The whole Circuit herded together and put themselves under severe restrictions to avoid this awful contingency. One of the rules was: "No barrister shall be allowed to make use of an Inn during the Assizes for the purpose of robing or sleeping or for any purpose connected with the duties of his profession except those of an arbitration." Imagine what such a rule as this meant in a stupid provincial town where the hotel was the one centre spot of comparative comfort, and yet where you might not even engage a bedroom for fear you should run up against some solicitor and thus perhaps annex a brief, which but for such chance meeting would have found its way into other hands. The rule was not less absurd than exasperating, for while it placed a galling restriction on the normally-minded barrister, it was no check at all against his less scrupulous brother who laughed in his sleeve at any attempts to curb his independence, and who, either directly or indirectly through his clerk, never neglected a chance of intercepting any attorney who might prove a source of profit.

Another rule not less irritating required every barrister as matter of obligation to travel from one town to another in a first-class carriage, the haunting fear again being that the danger of meeting a solicitor was less in a first-class than in a second or

third. I believe this idea to have been singularly wide of the mark and very unjust in its conception of the style in which a solicitor travelled, but whatever may be said for the idea, it pressed hard on the briefless barrister, and brought home to him with resistless force the bitter truth that he must not only look the other way when a solicitor approached, but pay for the privilege of doing so, when occasion served, by not sparing his own pocket.

How long the Circuit had groaned under these rules I cannot say, but under changed conditions and with the growth of broader views they gradually became unworkable by reason of sheer inability to enforce them. The first indeed was only abrogated after solemn debate by the Circuit. I remember taking an eager part in the discussion. It was indeed the first occasion on which I had attempted anything in the shape of a speech, and I was greatly gratified and encouraged when the following morning in Court Dr. Kenealy, who was not given to saying gracious things, turned round in his seat and complimented me by telling me that if I practised and took pains, I should one day speak as well as Henry James, who was at that time a star of the first magnitude on the Circuit, and has since become even better known as a Cabinet Minister and Peer of the Realm.

It must not be thought, in my rebellion against the rules of my Circuit, that I was any way indifferent to the spirit that inspired them—that fine feel-

ing of honour and *esprit de corps* which is the root principle of every great profession. My view was, and is, that rules and regulations, however skilfully framed, are powerless when addressed to the moral feelings. You cannot make people virtuous in that way. Honourable minds are hurt by not being trusted; less scrupulous natures will find a way through any enactment. There is only one possible course—to trust to the individual honour! –

> Some nobly strive
> To keep the sense of moral worth alive;
> Men who would starve ere meanly deign to live
> On what deception and chicanery give,
> And these at last succeed. They have their strife,
> Their apprehensions, stops, and rubs in life,
> But honour, application, care, and skill,
> Shall bend opposing fortune to their will.

Very well do I remember my first brief. What Barrister doesn't? It was put into my hands at Shrewsbury Quarter Sessions as a compliment to a newcomer. It was a very simple case of larceny, but it caused me an immensity of disquietude. I read and re-read the simple facts until I had the wretched little brief by heart, and still I had a horrible nervous dread that when the time came to address the jury I should forget all I wished to say, and that even my voice might not reach the jury-box. I remember how—for I often had the same experience afterwards—from sheer concentration of nervous energy, every bone in my body would ache with pain, and yet when the moment did come and all retreat was

cut off, I found myself so happy and so much at home on my legs that I was quite sorry to sit down. I am convinced there are two well-known forms of nervousness, the nervousness of anticipation and the nervousness of fact. I only knew the first. The second, which seems to me much more to be deprecated, is that of the speaker who is perfectly calm and collected until he is called upon to speak, when his courage forsakes him all in a moment; he forgets his thoughts and finds himself unable to articulate with clearness a single sentence. Each brings a full measure of suffering to its victim.

I forget what happened to my prosecution. I hope I did not spoil a simple case; but I do recollect, and very vividly, the triumph I felt at succeeding in my first defence, which was also at Sessions. On a winter's evening, two men (the prisoners) had seized the prosecutor on the platform of Shrewsbury station, and while one of them held his arms the other quietly rifled his pockets. They were caught almost red-handed before they left the station, and I had a brief to defend the prisoner who had held the prosecutor by the arms. I made the obvious defence. I urged that it was vindictive to sacrifice two victims to Justice when one would suffice; that the distinction between the two prisoners was manifest, and as the one I defended had not taken any money at all it was impossible to pretend that he was as guilty as his companion. To the amazement of everybody, not excepting the Chairman—who had

been careful in his summing up to sweep away my sophistries—the jury made the distinction I begged of them, and returned a verdict of "Not guilty" against my prisoner.

I was extremely elated. I felt as I suppose a man feels who wins an *en plein* stake at a roulette table, or pulls off some equally improbable event the first time of asking. Trial by Jury assumed quite a new aspect. It contained elements which I had previously never suspected, and I made a little vow that, never mind what the facts might be, nothing should ever tempt me in the future to despair of a verdict.

I had no reason to complain of want of success at Quarter Sessions. It came to me in full measure sooner than I had dared to hope. I was usually instructed for the defence, and I always felt more at home in performing a duty of this kind than in conducting a prosecution. Defences were more stimulating, and I used to enjoy the excitement of spinning ingenious theories on behalf of a prisoner and watching the effect on the mind of the jury. I was more successful than I probably deserved, but it was in my favour that I was always in sympathy with my client, however great a scoundrel he might be, and there is no quality in an advocate which tells with a jury more than earnestness. The art of advocacy is to be in touch with the jury, to make oneself as far as possible the thirteenth man in the jury-box, and the best hope of attaining this is to show that you

are really and honestly persuaded of the justice of your cause, and to convey this impression in such terms as best fits the intelligence of the tribunal you are addressing. No advocate can hope to succeed who is languid in his efforts, or who talks above or below his jury. In the one case he is not followed, in the other he is probably despised.

Quarter Sessions is an admirable school for the training of a young barrister. The only pity of it is that, recurring but four times in the year, and lasting but a day or two, the field is necessarily much restricted, and it takes time therefore to lay even the foundations of success. The theory of the profession is that work at Sessions leads to recognition on Circuit, and ultimately to a practice in London which may lead to the Bench. I believe this theory to be sound enough, but unfortunately it does not make sufficient allowance for the brevity of human existence. To mount a long ladder step by step takes time, and there are so many steps to be climbed before the terminus is reached that few survive to the end, however much they persevere.

I had a great many interesting cases at Sessions. We were a very small Bar, and perhaps for this very reason we fought against each other with all the more spirit and energy; and we were gay and convivial as well, as we could hardly help being with two bright authors in our midst—Clive Phillips Wolley and Stanley Weyman—with both of whom

I crossed swords many a time over the body of some thief or housebreaker.

I have no notes of Sessions cases, but there is one the outline of which stands out very vividly in my memory and may be worth reproducing: a very dramatic case in its way.

The prisoner was a young woman employed as a servant on a farm in an out-of-the-way part of the country. The charge against her was the ordinary one of stealing money. The facts were as follows.

One night the farmer was roused from his sleep by the prisoner's knocking at his door and telling him there were burglars in the house. Seizing his gun, the farmer, in company with the prisoner, cautiously descended the stairs and made his way to the sitting-room. It was evident that some one had been there, for the furniture had been shifted about, and a purse and one or two other trifles were missing from the mantelpiece. The farmer rushed to the front door, and hearing, as he thought, the sound of retreating footsteps down the gravel path, fired his gun in the direction, but without effect. The burglars had effected their escape. The next day the police were duly informed of the occurrence, and thanks to the very clear descriptions the prisoner was able to give—one of the burglars she had particularly noticed as having a golden moustache and patent leather boots—placards were posted at the different Police Stations, and a general hue and cry took place over the length and breadth of the country.

Days and weeks passed without any trace of the burglars, but the police, though baffled, had not been listless. The golden moustache and the patent leather boots were a clue indeed, but not in the direction where they had been seeking. They began to suspect their clever little informant, and when it was discovered that she had been spending money beyond the amount of her wages in the nearest town within a few days of the burglary, out of the very purse which was missing, the police felt certain that they had got the real criminal, and she was duly arrested and committed to the Quarter Sessions. I was instructed for the defence. It transpired that the prisoner was much given to reading penny dreadfuls, and that for weeks before the burglary, she had discussed the possibility of such a thing happening with a fellow servant who shared her room. There was also of course the damaging fact that she was in possession of the missing purse and had been spending money freely. In fact there was little or no moral doubt that she was guilty. On the other hand there was a good deal to be said for the defence. If the prisoner was guilty, she was evidently a very clever actress, for beyond all question she had made the whole country side believe in the genuineness of her story; and there was of course the admission of the farmer that he had heard the footsteps of the retreating burglars and fired a shot at them. I made the very most of this, and though the farmer tried to get out of it by

saying that he must have imagined the footsteps, as no doubt he had, I succeeded in convincing the jury, at the end of a hard-fought case, that it would be dangerous to convict, and my client was acquitted. I have only given an imperfect outline of the case. The extraordinary feature of it was the amazing imagination of an uneducated servant girl, and the skilful way in which she built up the details of a story which deceived her master, hoodwinked the police, and created a general feeling of uneasiness throughout the country. If she had but left out of her description the moustache and patent leather boots, probably suspicion would never have been excited against her, and the burglary would have taken its place in the list of crimes beyond the ingenuity of the police to discover.

CHAPTER VIII

I REMEMBER being engaged in another case, which was tried at the Shropshire Assizes before Lord Justice Amphlett, in which the accused was a young woman also of a highly imaginative turn of mind. The present Mr. Justice Jelf led me for the prosecution; the prisoner was defended by an admirable advocate, the late J. Underhill, Q.C. The indictment was for feloniously setting fire to Ferney Hall, near Ludlow, the seat of W. H. Sitwell, Esq., several persons being at the time within the said dwelling house. Ferney Hall was a charming country house filled with family treasures, and it had been almost totally destroyed by fire one summer night in June. The prisoner, Jane Kingsland, had been lady's maid in the house for seven years, and being fully trusted, she was given the custody of her mistress's wardrobe and other articles of personal use. The case against her rested on the following circumstances. Within a week after the fire the prisoner discharged herself and went to London. Six months later it was found that she had been disposing of clothes which belonged to her mistress, and upon being apprehended and searched, two more

bundles were found in her box which were identified in the same way. She was accordingly taken before the Magistrates and committed by them, not only for larceny, but on the grave charge of setting fire to the house; the motive of course being that she had been pilfering her mistress's wardrobe for some time, and saw no chance of escaping detection, except by burning the house down. It must be admitted that the conception was a bold one for a lady's maid, to destroy property worth thousands of pounds and risk the lives of several people in order to hide the theft of a few dresses; nor was it a sudden inspiration, for the evidence clearly showed that the idea of fire had been germinating in the prisoner's brain for some time. For weeks past she had talked "fire" as well as thought it. The house was doomed. It was built under the planet *Mars* and was certain to be burnt down, and she would beg her mistress to accept the warning and not leave her valuables to be destroyed. A few days before the night of the fire, Mrs. Sitwell told her maid that she and Mr. Sitwell were going otter-hunting at Builth, and that she wished to wear on the occasion a grey home-spun dress—one of the dresses that was afterwards traced to the prisoner in London. The prisoner made all sorts of excuses about it, and did her utmost to dissuade her mistress from leaving the house. Her efforts failing, the following day she raised an alarm of fire which she said had broken out in a closet in a distant wing of the house.

There was no fireplace in the closet, no flues were near it, but there was a slight smell of burning, and a close examination showed signs of a small fire on the flooring, which had died out. The prisoner was greatly excited, and passionately implored her mistress not to leave the house, but in vain. On being told that the matter was settled, she prepared to accompany her mistress, but at the last minute pleaded headache and was excused from going. Between three and four the next morning, the butler was woke out of his sleep by the prisoner, and going upstairs, a fire was found to be raging in a room close to the closet. The prisoner evinced great distress, and was as active as the other servants in helping to extinguish the flames; but it was noticed that she was fully dressed, as if she had not been to bed, and that her bedroom door was locked. The Sitwells returned the next day, and in answer to inquiries the prisoner said it all came from the fire in the closet, which had not ceased smouldering. This was obviously untrue. When she was reminded later on that she had failed to pack the home-spun dress, she said that she had forgotten to do so, and that it had been destroyed by the fire afterwards.

These were only some of the incriminating facts in a trial which lasted some time and greatly interested the county. The prisoner contested every fact, and stoutly maintained her innocence, but in vain. The evidence, though circumstantial, was complete, and

being found guilty, she was sentenced to fifteen years' penal servitude.

I had now begun to take a lively interest in my profession, and I was zealous in my attendance at every town on the Circuit. It had indeed become a matter of obligation to do so, for by a piece of good fortune I had been appointed Law Reporter for the *Times* on Circuit; an appointment which was followed later on by my being made Chief Reporter for the Common Pleas Division at Westminster. Both of these appointments I continued to hold until I was appointed a Police Magistrate in 1888.

It was often said to me that to hold such an appoinment was a mistake, that I was in fact trying to serve two masters, and that, however forlorn my prospects at the Bar might be, that was no reason why I should go out of my way to make them worse. I felt the force of these considerations, and I had certainly no desire to do anything which might scare away a solicitor, but with me it was the *Times* or nothing. I could not afford to throw away a bird in the hand for any number in the bush, or to give up an active employment for listless waiting in my Chambers. Moreover, I was not long in finding out that assiduous attendance in the Courts had its uses from a professional point of view, as well at that of mere reporting. There is nothing like a Court for cultivating what Lord Justice Bowen described as "Professional passion" as distinct from the colder passion of the student. It

is in Court that you see how a cause should be fought and won, how the fallacies and false points are made to fall away, and the truth gradually comes to light. Attending the Courts day by day, and compelled to understand the nature of the causes in dispute, I had the best opportunity for studying the methods of the ablest advocates at the Bar, and of weighing and digesting the pronouncements of the most distinguished Judges. Above all, I found in a Court of Law a school for the study of human nature, a habit which I feel sure has been of service to me since as a Police Magistrate. To observe closely, to compare, to speculate as to what is passing in the mind, to get as near as you can to the motives of conduct, it is this, and not the determination of this or that fact, which gives to a trial such a surpassing human interest. The Judge who is quickest at reading the character of a witness, who can determine on the spot whether he is lying or not, may not be the equal of his learned brother in depth of learning or knowledge of law, but in the long run he will not suffer by the comparison, and not improbably may be considered the more efficient Judge of the two.

There were compensations therefore in my work as reporter, and though it was mortifying to be a spectator always and never an actor, it was better than eating out your heart in Chambers, listening for the footsteps of clients which never approached your door. It was a satisfaction also, and I take

pleasure in recording it, to serve a master so trustful and so liberal as the *Times*. The *Times* was the only newspaper which cared to obtain its legal intelligence first-hand from barristers. It employed a barrister on each of the Circuits and in every Court. The compact I believe to have been good for both sides, for if the remuneration was liberal, as it certainly was, the services rendered by its reporters gave the law reports of the *Times* a special reputation for accuracy and research.

Law reporting is not the easy thing it may appear, and is hardly safe in the hands of any one who has not at least some acquaintance with legal terms and procedure. What would be a trifling mistake in the report of a speech in Parliament, might easily make nonsense of a legal argument or a summing up. I have sometimes thought the *Times* was not as sedulous of this truth as it might have been. When I first joined the staff, I was expected to send up every day on Circuit at least one civil and one criminal case. A whole page of the *Times* would be given to Assize intelligence, and it was understood that Mr. Delane, who was the editor, attached great importance to it. In those days the reports I contributed were never altered by a word, and I might make them as long and almost as short as I pleased. It was not quite the same in later years. Whether the Assizes counted for less under the change of editorship, or whether with the growing demands on the space of the

Times it was impossible to spare the same space as before, I cannot say. Probably it was the latter, for I seem to remember receiving a direction at the time of the Russo-Turkish War to send up as little as possible, owing to the great pressure of war news in the columns of the paper. Whatever the true cause was, the reports began to be edited and were sometimes sharply curtailed. The result was not entirely satisfactory, for what the report gained in terseness it not infrequently lost in point and precision. I don't suppose that any one was much the wiser or that the public suffered, but it did not tend to encourage my diligence as a reporter, and I have an uneasy recollection that I was fined at the Circuit mess in a dozen or so of champagne, for not chronicling as I should the forensic triumphs of the heroes of the Circuit. This is how the innocent suffer.

But the *Times!* If the gentle criticism I have ventured to pronounce should penetrate to the editor's chair, let it be forgiven me, not for anything I may have done as a reporter, but as a member of the public who yields to none in admiration of the enterprise and wisdom of the great Jupiter of the Press. I have read the *Times,* almost daily from boyhood, never missing a number if I could possibly help it. To me it has always been not so much a newspaper, as a great and continuous chronicle of contemporary history, the interest of which waxes day by day. There has only been one qualification

to my unstinted enjoyment. I have never cared to read the police reports! They seemed to me almost below the dignity of the *Times*, and I could not bring myself to believe that any one cared about them. I have been effectually disillusioned since I became a Police Magistrate. Nothing has surprised me more in that capacity than the discovery of the amazing hold which police reports have on the public taste. Hardly a day passes without proof of this. I am reminded at every turn, by conversation and by letters, wherever I go and whomsoever I chance to meet, that Police Court reports are read with avidity by all classes of people from the highest to the lowest. The light that beats on the humblest of tribunals is fierce indeed, and serves no doubt to explain the ultra-seriousness of the Police Magistrate and the heavy sense of responsibility which he brings to the discharge of his duties.

I cannot quit this reference to the *Times* without paying a tribute to the memory of two dear colleagues, fellow-reporters, who have passed away; one indeed in the fulness of years, the other in the prime of life.

W. F. Finlason was for years the *doyen* of the Law Reporters to the *Times*. In his own line he was a prodigy. I have sat by his side in Court on numberless occasions, and watched with admiration the ease and rapidity with which he would commit to paper important matter, whether it came in the shape of a brisk colloquy between Judge and Counsel,

or as an important judgment from the Bench. His pen flew over the " slips " like lightning, and there was seldom need for correction afterwards. He was on the staff for many years, and the amount of " copy " he contributed must have been prodigious. It was to his pen that the public was indebted for the admirable report of the Tichborne case, as well as for many other cases of public interest and importance. But capacity as a reporter was by no means his only distinction. His mind was a storehouse of legal quips and anecdotes, and even when he appeared to be writing his hardest, he would find time to drop his pen in order to indulge in some racy comment or fire off some happy reminiscence, to the great delight of those who sat near him. To sit near old " Fin " in Court, was indeed an object of desire with many a young barrister with not too much work on his hands. It helped to while away many a tedious hour, and there were times, as in the Tichborne case, when it was almost an education as well, for old " Fin " was at home in all the devious windings of that memorable trial, and helped to make it a source of instruction as well as amusement. Such is my recollection of Finlason. " Whatsoever thy hand findeth to do, do it with thy might," was the principle which governed his strenuous work. That diligence so great and so fruitful should have passed without official recognition, is only to say that the Bar is too often the cradle of disappointed talent. Perhaps ambition

had died away in him, but this I know, that it was matter of constant comment that no promotion had been found for one whose professional gifts were beyond dispute, and whose pen had helped so many on the path to fame which he was forbidden by fate to travel himself.

George Gumbleton, who reported for the *Times* in the Exchequer Division, possessed an individuality to which it is not easy to do justice. No one knew him much better than I did, for we had travelled the same path at Westminster, at Oxford, and at the Bar, and for many years we shared the same chambers, and yet when I take up my pen to describe his complex nature I feel how incompetent I am. Gumbleton was *sui generis*. He was an Irishman, with all that happy fund of careless good humour which inspires envy of the Celtic nature. My earliest recollection of him was on a winter's day at school sliding with with other boys on the ice, but, unlike them, singing merrily as he did so. Song, loud and true, was his panacea against every earthly trouble. There is a story that on one occasion Gumbleton, while out with a shooting party, loosed his gun at the luncheon table and very nearly blew off the head of his host. He was instantly ordered, in angry tones, to go home. Gumbleton, in no way perturbed, tripped off to the house, trailing his gun and singing opera snatches with immense gusto and delight. No man ever gave more merriment to his friends, or gave it more unconsciously. He was "ragged" at school and at

Oxford, and I believe even at his club in Pall Mall, but it never provoked in him any malice or resentment, or abated the flow of his perennial humour. And yet with all his frivolity he was never so truly droll as when he aimed at putting on seriousness. Possessed of excellent abilities, and a scholar above the average, he never seemed to care whether a brief came his way or not, but on the rare occasions that such a thing did happen he would treat it with the reverence and seriousness that a great Jurist might give to an International Arbitration. Never shall I forget Gumbleton conducting a small Treasury prosecution at the Reading Assizes. It was a very simple matter, but, prepared for every emergency, Gumbleton opened the case in the style of Demosthenes, with a row of law books before him and a glass of water at his elbow; and then, as luck would have it, there was a French witness, and the examination of that witness, much of it in his own tongue, was one of the most irresistibly ludicrous incidents I have ever witnessed. And yet, through it all, this delightful Irishman had no other thought than to conduct his case with becoming gravity, and was entirely unconscious that he was giving any cause for merriment. Poor Gumbleton! I cannot believe that he ever had an enemy, and many and heartfelt were the regrets when an untimely death, a chill caught when playing golf, snatched him from his home and the friends that loved him well. Alas! poor Yorick!

CHAPTER IX

AS Law Reporter for many years, I naturally reported many cases of interest, the notes of some of which I have preserved. I feel some hesitation in reproducing any of them in these pages, for they no longer possess the freshness of contemporary history, and, revived at this distance of time, I fear they may seem flat and colourless. To appreciate a trial, to take in thoroughly its dramatic features, and feel its human interest, it is necessary to be present. No newspaper report, however descriptive, can hope to reproduce the scene. Criminal trials naturally are more impressive than civil actions, and some of the murder cases I have heard might take rank with anything in fiction. I have sometimes thought it would make an instructive volume to collect a number of representative murder cases and tabulate the motives which have led to their perpetration. It would give a curious insight into the working of the human mind, and the power of temptation over weak natures, mentally predisposed to crime.

Let me begin with two cases offering the widest contrast to each other in everything except the fact

that both men intended the crime which brought each of them to the gallows.

The first was that of a good-looking young fellow, barely twenty-one, who was tried before Mr. Justice Brett at Stafford for a murder which might almost be called cynical, it was so entirely motiveless. On a winter's day, a respectable woman was returning home after a day's shopping, in company with a little girl. On their way down the high road, almost within sight of the town, they passed the prisoner sitting on a gate, with his head drooping as if asleep. Moved by sympathy and good nature, the woman accosted him in cheerful tones, and advised him to go home and get warm, to which the prisoner replied that he had got no home to go to. Presently he got down from the gate, and running after the woman, asked her to give him half a crown. She told him she was too poor to do that, but she would do what she could, and she handed him twopence. Thereupon the prisoner, without a word more of any sort, proceeded to cut her throat with a pocket-knife which he had in his hand, and then, leaping over the hedge, disappeared in an adjoining wood. The little girl hurried home, and, from her description, the prisoner was arrested the following day and was promptly convicted and sentenced to death. Throughout the trial, the prisoner was the most unconcerned person present. He received his sentence with the utmost indifference, and faced his death at the last in the same spirit. Never at any

time did he betray the slightest feeling of remorse or pity for his victim. It was not bravado. He was a pure savage, possessing fine animal courage, but utterly destitute of all moral sense.

The second case was tried at Monmouth before Mr. Justice Lush. The prisoner, James Gibbs, was a butler in a gentleman's family, and his guilt, which was characterised by marked cunning and premeditation, had to be proved, as it was conclusively, entirely by circumstantial evidence. The indictment against the prisoner was for murdering his wife. He had not been married very long, and the marriage was only known to a few people; at the time of her death she was living in lodgings near where the prisoner was in service, without the fact being known to the other members of the household. The motive for the murder was an attachment which the prisoner had formed for another woman, named Mary Jones. For some time he succeeded by careful lying in keeping the two women ignorant of each other's existence, and it can only be supposed that when he found the deception could no longer be maintained, he resolved on getting rid of his wife. Taking her out for a country walk he cut her throat, and did his best to conceal the body by placing it in a ditch behind the hedge. Within a fortnight he married Mary Jones, and but for the accidental discovery a few days afterwards of the dead body, when it was decomposed almost beyond recognition, his crime might never have been found out. As it was, so skilfully had he con-

cealed his marriage and the presence of his wife in the neighbourhood, that no suspicion was at first directed against him ; but as one by one damning facts came to light, it became more and more clear that he was her murderer, and after a very full and exhaustive trial he was found guilty and sentenced to death. I do not remember any trial which excited greater interest. Crowds attended the Court and thronged the approaches. The scene of the murder became invested with a kind of sanctity. It was visited by thousands, who tore off the leaves from the hedges and the neighbouring bushes to preserve as mementoes. The prisoner followed every step in his trial in an agony of fear, and when he was executed he had to be dragged up the steps of the gallows, screaming with terror. There was nothing of the noble savage about him. He was a nerveless product of civilisation, stopping at no cruelty which interfered with his selfish happiness, and with sufficient faith in his own cunning to make him forget that he was by nature a coward. In appearance there was nothing about him to indicate to the ordinary observer that he was the lying villain that he had proved himself to be, and I remember remarking on his innocent good looks to Huddleston, the Leader of the Circuit, who had come into Court to watch the proceedings. "Call that man prepossessing !" said he, "I have never seen a more wicked face. I would hang him on the view." There was no doubt Huddleston was right. It takes a long experience to read aright the human countenance.

Perhaps, as I am on the subject of murder trials, I may refer briefly to the first case of the kind in which I held a brief for the defence. There are other trials of deeper interest to which I may invite attention later, but as this one came early in my barrister days I may be forgiven for noticing it here. There was nothing about it in any way sensational, but there was a human thread running through it which helped to redeem its coarse savagery. The prisoner was a powerful man with a bad history, and he was tried for the murder of a woman who passed as his wife by kicking her and otherwise brutally ill-treating her. There was evidence of a violent quarrel, and later in the day the poor woman was found lying at the foot of a flight of stairs down which she had evidently fallen naturally, or been precipitated. She was lifted up and put to her bed, but her injuries were too serious to admit of recovery. She died in a few days from peritonitis resulting from direct personal violence and a broken thigh. Notwithstanding their frequent quarrels there were not wanting signs of a rough attachment between the pair. The prisoner was sincerely afflicted by the woman's sufferings before she died, and did what he could to alleviate them ; while she for her part did her best to shield him, by insisting that she had fallen down the stairs by accident. I defended the prisoner to the best of my ability, and I think made some impression on the jury, for the Judge, I recollect, in summing up exhorted the jury to do their duty with courage, however serious might

be the consequences of their verdict. The jury, after considering the matter for some hours, came into Court with a verdict that the death of the woman was caused by the prisoner's violence, but without any premeditated intent on his part to cause her death. This was good common sense and fitted the facts, but it did not satisfy the law, and so the Learned Judge had to tell them. Premeditation was not essential. The jury thereupon, after a little further consideration, came again into the Court with a verdict of "Guilty," but recommending the prisoner to mercy. Asked by the Judge on what grounds, the foreman replied that they did not think murder was intended. The Learned Judge, this time not without a little impatience, again defined what was murder in law, and again the jury retired, finally coming into Court with a verdict of manslaughter. The prisoner therefore escaped with his neck, receiving a sentence of fifteen years' penal servitude. I believe I felt almost as much anxiety about his fate as the prisoner himself, and it was matter to me of immeasurable relief when the jury decided on the milder verdict of manslaughter.

CHAPTER X

"GOING Circuit," I am told, is now a very different thing to what it used to be. There is no longer the same cohesion, or the old *esprit de corps*. It has become a thing of shreds and patches, loose and disconnected, with tattered cause lists and a mess without heart or merriment. I remember hearing complaints of this kind before, but likely enough there is more reason for them now. Business varied much in my time, and nothing was more common, when the cause lists were thin and crime tried in vain to struggle uppermost, than to hear querulous comparisons between the present and the past, much to the disparagement of the present.

The real wonder was, that with the truth staring them in the face, a barren land without milk or honey, so many men had the patience to tramp round Circuit for six weeks at a stretch, twice in the year, in the vain hope of picking up briefs. To use a common phrase, it really was not good enough. To go round Circuit cost roughly £40 or £50, and out of the whole two hundred or more pilgrims I do not believe that a dozen paid their expenses. Perhaps a bare moiety of these would find in Circuit a source of profit. Prac-

tically the civil business would be in the hands of the leading silks and two or three Juniors. Criminal business was more open, but then the fees were so small that it required quite a sheaf of briefs to outweigh your expenses. There was something in all this which caused one to reflect sadly. It was pitiful to see men of ability and ambition, who had taken high degrees at the University, conscientiously attending one town after another, waiting on Fortune; and then, if some little trumpery case did come their way, what hopes and expectations would not be built on it! A guinea Prosecution or Defence would cheer and console perhaps a senior classic, and renew his confidence in the future; a very little goes a long way with a sanguine nature. One brief more or less makes but little difference, but the difference between no briefs and one is immense, and opens up a boundless vista of expectation. What may it not lead to? To feel that you have passed at a bound out of the ranks of the "have nots," and have entered into competition with the famous few whose names are as household words in the county towns, and for whose services provincial attorneys are keen to struggle and compete.

But alas! how often are these brilliant hopes doomed to disappointment! That little first brief of which so much is hoped, which is to set the ball rolling with ever-increasing volume, as often as not means nothing and leads nowhere. It is a mere whim of the attorney, a gracious kindness for the

moment, never meant to be repeated; and so the weary advocate, sick at heart, sinks back into despondency, and after a few more patient Circuits, finally gives up the game in despair.

Have you thought in your moments of triumph,
  Oh you that are high in the tree,
Of the days and the nights that are bitter,
  So bitter, to others and me?
When the efforts to do what is clever
  Result in a failure so sad,
And the clouds of despondency gather
  And dim all the hopes that we had?

Have you thought, when the world was applauding
  Your greatness, whatever it be,
Of the tears that in silence were falling,
  Yes falling, from others and me?
When the hardest and latest endeavours
  Appeared to be only in vain,
And we curtained our eyes in the night time
  Indiff'rent to waking again?

I believe this to be true of numbers of men who come to the Bar, chiefly from the Universities, and who tail off by degrees, utterly dejected and disillusioned. It is unfair to say of them that they have failed; it is more exact to say they have not succeeded, and in many and many an instance through no fault of their own.

When I look back therefore on these times, and think of it all, I recognise gratefully that I had perhaps more than my fair share of the spoils, and now that the strife is over I like to indulge the belief that had I remained I might have done better still.

I was getting firmer into the saddle each Circuit, and the last Circuit before I was appointed a Police Magistrate my fees exceeded three figures, which really for a Junior was not so very bad.

The three leading men on Circuit when I joined, among the silks, were J. W. Huddleston, Henry James, who was just leaving the Circuit, having become the Solicitor-General, and Henry Matthews; and among the Juniors, J. O. Griffits, F. A. Bosanquet, and Arthur Jelf.

Conspicuous in the crowd of Juniors, though as yet without practice, in powdered wig which brought into strong relief the smooth boyish face beneath, C. J. Darling, then as now remarkable for his nimble wit and inimitable *sang froid*, was beginning to attract attention. Whatever the future might hide, it was certain even then, that Darling would not be overlooked. In the great crush of competitors at the Bar, there is the fear of being so jostled at the start, as, in racing parlance, never to come through your horses. No one of his many admirers felt this anxiety about Darling. His opportunity was bound to come, and was likely to come soon. He might, like the rest of mankind, have his moments of discouragement when the woolsack would seem to recede a trifle, but such moments never came to stay, and the tranquil, measured confidence, which was of the essence of his nature, would reassert itself brighter and steadier than ever. In a word, Darling was bound to be *en evidence*, and try as he might (though I will not say

he did) to hide his light under the proverbial bushel, it was quite out of his power to do so.

Not the least among those who believed in his star was Huddleston, the Leader of the Circuit, who from the first was quick to recognise in the latest recruit the possession of forensic gifts of which no one was a better judge than himself. A friendship sprung up between the pair, which subsequently deepened into an affection almost resembling that between a father and son, and which was touching to witness. It was the more remarkable on the part of Huddleston, as he was not generally credited with any great desire to burden himself with intimate friendships. He had what may be called a self-sufficing character, finding more interest in his own fortunes than in those of his fellow creatures. He was great as an Advocate, and successful as a Judge, but with all his intellectual power he had small weaknesses of character which are apt to look bigger than they really are when found in persons of high position. He had rather more than the usual share of personal vanity, and he was credited with that harmless but not generally appreciated taste which finds a special delight in "titled" friends, very often for no better reason than that they are "titled." There is a well-known story illustrative of this, which at the same time shows its dangers.

A certain lover of the nobility staying at Homburg noticed among the arrivals at his hotel the name of a well-known duke. The opportunity was

too good to be lost. Hurrying into the hotel, he sought out the head waiter and gave him a sovereign to place him next to the Duke at the *table d'hôte*. His mortification may be imagined when, on dinner being served, he found, so far from being next to the Duke, that he was placed at one end of the room and the Duke at the other. Angrily complaining to the waiter afterwards, and reminding him of his tip, "True," said the waiter, "you did give me a sovereign, and I did not forget; but when his Grace the Duke gave me two sovereigns that he might not be near you, what was I to do?"

To return to Huddleston, I remember a little story suggestive of his vanity, which is so innocent that it may be told without any appearance of malice. Coming round Circuit as Judge for the first time, the Corporation of Worcester were desirous of presenting him with an address of congratulation. As chance had it, Huddleston happened to invite my opinion whether it would be better to receive the deputation in his robes or in private dress. I had no difficulty in guessing what he wished me to say, while at the same time I knew very well it did not matter a straw what I did say, so without hesitation I expressed the opinion that nothing could be more becoming or appropriate to the occasion than plain morning dress. The disappointed expression that flitted across the Baron's face satisfied me that my little shot had gone home. I doubt whether any further opinions were asked. The Corporation, I heard afterwards, were received,

as no doubt was fitting and right, by the Learned Judge wearing his robes of office and with all the dignity and grace of which he was a master.

Huddleston had the reputation of having enjoyed a greater practice on Circuit than any other Leader before or after. I remember hearing that his fees in one record year reached £1,000. This on the Northern Circuit would be thought insignificant, where very heavy causes are tried at Liverpool and Manchester, but on the Oxford Circuit, where the issues in dispute were not generally of great importance and the fees proportionately small, to earn over £1,000 in less than three months was not a bad achievement.

And yet notwithstanding this success, it was Huddleston who described a Barrister's life as consisting of three stages. In the first, he is ambitious and cares only for work. In the second, he is mercenary and cares only for fees. In the third, a stage reached only by a few, he cares neither for work nor for the fees!

Truly as the preacher said: "*Vanitas vanitatum, omnia vanitas.*"

Nearly always associated with Huddleston as his Junior, for the attorney mind is quick to perceive successful combinations, was a well-remembered figure at the Bar, J. O. Griffits. At an age when admirals and generals are enjoying their pensions in the dull provincial towns where they love to pass their declining years, J. O. Griffits was in the envied

position of a Junior who had not yet done "rising." Brisk, of slender build, clothed in decorous black with gold-rimmed spectacles balanced on a nose which suggested memories of the hero of Waterloo, J. O., as he was fondly called, was the very embodiment of professional respectability. The Bar has need of the varying talents of all her sons, but woe to him who mistakes the proper direction of his abilities! J. O. was the model Junior. He knew his brief through and through, and how to fortify the weak places with appropriate legal references. The "note" which, as in duty bound, he took in Court of the day's proceedings was a model of arrangement and conciseness, and if occasion called he could, not without a certain tremulousness, gently guide a witness through the mazes of an intricate Proof. But alas! for the pity of it, genius has its limitations, and beyond the exercise of these useful qualities, J. O. could not travel. For years he made a substantial income, but the day came, as it must come to every successful barrister, when he has to choose between taking silk or being passed in the race by men who are far his juniors in standing. J. O. as a silk failed to retain his clients from sheer lack of nerve and initiative as a Leader. Timid and hesitating, he fought without heart and without skill, and never knew how to seize the auspicious moment which may turn the tide of battle, and is the test of true Leadership. He fell disastrously, and the tragedy of it was that his means wasted away and his declining years were passed in absolute poverty.

These are cases of which the outside public never dreams. In the popular belief all that is required at the Bar is a good start, after which all is plain sailing. How little this fits in with actual experience, is known too well to those behind the scenes in the Temple and Lincoln's Inn. Nothing indeed is so precarious as a practice. It is at the mercy of a thousand accidents.

I have heard it remarked, that the only really contented barrister is the man who makes a steady income of two thousand a year with little or no variation, and who at the same time has a comfortable private fortune to sustain him in case of need. Such a man has his time pleasantly and intellectually occupied, and can never die from overwork, but the position is almost inconceivable. There is no standing still at the Bar. Once in the stream, you must move with it or be stranded. Or, to avoid metaphor, many have too little to do, a few have too much.

Those who have too little are sustained by hope; the success of the few is qualified by the fear of losing what they have. There is no peace to be found except on the Bench, and there is no Bench so humble as not to offer some temptation to the wise man who has come to recognise the truth that success at the Bar, unless it be very far reaching, is not worth the candle.

When Huddleston in the natural course of things was promoted to a Judgeship, he was succeeded as

Leader by a very popular member of the Circuit—J. J. Powell. Powell had lifted himself to this pride of place by his own honest exertions. A man of the simplest and most straightforward nature, he commended himself to juries by his transparent sincerity and by natural eloquence of a very high order.

It was said of him on Circuit that he had foam at his command—rather a doubtful compliment. I have also heard it remarked of him by dispassionate Judges that there was no better speaker at the Bar, and there was much to warrant such an opinion. His oratory had to be taken strictly on its merits. It was not set off or assisted by advantages of voice, figure, or style. He succeeded in spite of these deficiencies—by reason of genuine earnestness and belief in the truth of his cause. His advocacy came from the heart. I remember a political libel case in which he was concerned for the Plaintiff. Addressing the Jury, he used some such words as these : " My learned friend has told you this is a party case, and that the Defendant is attacked as the representative of the Conservative party. Such men, gentlemen, believe me, belong to no party. The Defendant no more belongs to the great Conservative party than the dirt which clings to the chariot wheel belongs to the gentleman who drives the chariot." Powell was of a very excitable nature and was easily roused to passion. It was then that he was often seen at his best. Hurling his thunderbolts right and left, defiant and bubbling with wrath, he seemed exactly

to fit the well-known line, "*Impiger, iracundus, inexorabilis, acer.*"

He left the Circuit to become a County Court Judge, and died not long after, leaving behind him one of the most popular memories on the Oxford Circuit.

CHAPTER XI

"OLIM hæc meminisse juvabit" has constantly come into my thoughts since I left the Oxford Circuit, and perhaps never have these pleasant memories been more acute than at the present moment; but it is one thing to recall and another to describe. To deal with living characters is a delicate task, requiring a balanced judgment and a skilful pen, and I confess to shrinking from the attempt. I have transgressed, perhaps, as it is, with Mr. Justice Darling, but my pen ran away with me for the moment. If my rashness has brought me in danger of Contempt of Court, let me plead a little story of which I have just been reminded by a friend, to show how jealous I have been of the friendship of that learned Judge from very early days. At the Stafford Assizes one day a solicitor's clerk pushed past me in Court with a brief under his arm, and with offensive familiarity asked me, "Have you seen *our* little friend Darling anywhere?" I did my best to crush that clerk by replying loftily, "I was not aware we had any friends in common." I am sure this was right.

I must let my pen, therefore, glide daintily over

the names of James and Matthews, Jelf and Bosanquet. Of the two first—*par nobile*—I will only say that I know nothing at the Bar to match with their careers. You do not look, as a rule, for future Cabinet Ministers among practising barristers. The highest posts in the profession are, ordinarily speaking, big enough and important enough to tempt the most ambitious; but to be Chief Justice or Lord Chancellor is after all to follow the beaten track. As peers of the realm, and as Cabinet Ministers,* Lord James of Hereford and Viscount Llandaff may be said to have struck out a new line, and in doing so to have conferred unusual distinction on their Circuit as well as on themselves.

I saw little of Lord James, who left the Circuit almost as I joined it, but of Lord Llandaff (Henry Matthews as he was then) I saw a great deal.

To me, and to others as well, there was no one to compare with him, whether you watched his supple advocacy in Court, or listened to his eager, sparkling talk at Mess.

Trained in Paris, he had acquired not a little of the peculiar grace of French style and expression, and this, joined to a natural instinct for dramatic effect, imparted to his work in the Courts a degree of excellence and finish which is not always to be found among the leaders of the Bar.

* Since these pages have been in the press, another practising member of the Circuit, the Hon. Alfred Lyttelton, has attained Cabinet rank. I do not think any other Circuit can point to such a record.

Nor, indeed, was this perhaps too exquisite tone always appreciated by British juries. If verdicts are the true test of advocacy, Matthews might well have been more successful had he been less fastidious. It is not always the finest blade which is the most serviceable, and Common Juries were apt to be more bewildered than impressed by the bright rapier play in which Matthews loved to indulge.

It was different among his comrades at Mess. There Matthews was sure of his audience. He was by common consent the most attractive after-dinner speaker of which the Circuit could boast. He gave me the impression of having been trained in a school of oratory, so graceful were his gestures, so well modulated his voice. He used to send us away under a kind of spell. I was one of his most enthusiastic admirers. It is to him that I have dedicated these pages, and I am happy in the recollection that it was under his auspices as Home Secretary in 1888 that I received the appointment which made them possible.

There remain Jelf and Bosanquet, tempting subjects for an Oxford Circuit pen; but I refrain. Honours have reached them both, though perhaps not quite as their friends would have prophesied. That a Judgeship was the fit and proper reward for Arthur Jelf, that it had been earned, in fact, long before it was conferred, was patent to all; but that Bosanquet, generally regarded as the best lawyer on Circuit, should be fated to waste his peculiar sweet-

ness in trying an overflow of prisoners at the Old Bailey was a freak of Fortune which none could have predicted. There was an ironical humour about the appointment which was almost Gilbertian.

Social life on Circuit, I am told, is not what it used to be. Men no longer travel the Circuit. They only visit it, and their visits are marked with impatience. Their hearts are with their return tickets, and I suspect there are more " Bradshaws " than briefs in their blue or red bags.

The old repose has gone, and the Mess is in danger of becoming a memory. This is to be regretted, for the Circuit Bar Mess was, if it is not now, a thoroughly wholesome institution. It served to allay animosities, to take the edge off forensic strife, to encourage the amenities of social life. It promoted a feeling of *esprit de corps*, and was useful in preserving a high standard of professional honour. In many a case it relieved the dulness of a disappointing day by the promise of a convivial evening. On the Oxford Circuit, the first night in each Assize town was known as " Grand night." To dine at Mess was a matter of obligation ; you could only escape by paying a fine. The dinner was the best the town could furnish ; champagne, the dearest if not the driest, flowed fast and furious. It could not well be otherwise, for every bottle of champagne on the table was a willing penance exacted from some Circuit offender, and there were few who had not offended in some shape or way. To take silk, to obtain an appointment, to be elected

an M.P., or, worse still, to fail to be elected, were instances of high crimes and misdemeanours which could only be expiated by libations of champagne, and it was almost a point of honour with the different delinquents to supply the best brands which the wine merchants could produce.

The arraignment of these reckless offenders against social law took place at the Mess on Grand nights, the first working-day at each Assize town. They were impeached by the Attorney-General of the Mess, and their defences having been duly listened to they were sentenced by the Junior. Some of the speeches on these occasions were admirable examples of wit and eloquence. The graceful periods of Henry Matthews and the caustic wit of Bosanquet excited continual delight, and tended to reconcile the most hardened offender to his fate. And from time to time a Junior would fill the chair who was quite surprisingly good, the more so as not infrequently being a newcomer his stores of eloquence were quite unsuspected. No better speech of its kind was ever heard than one of Radcliffe Cooke, afterwards M.P. for Hereford, when he had to sentence Huddleston for the guilt of matrimony, and Henry James for aiding and abetting as his best man.

All these things contributed to the general hilarity, nor did the fun end at the Mess table. It was not everybody who had briefs to read. On Grand nights the town would swarm with the briefless, and how could they spend their evenings better than by tempt-

ing fortune at whist or loo. I remember a happy definition by an accomplished card-player that Circuit was nothing but a cumbrous and expensive system of playing whist. He might have added in all fairness that there was at least plenty of it. Loo was reserved for the more festive spirits, though occasionally graver natures would be tempted to take a hand. I remember a story of J. O. Griffits being so tempted. His success was phenomenal, and he rose from the table with a pile of winnings before him. Feeling very uncomfortable about it, so the story ran, he rang the bell and poured his winnings into the " slavey's " lap. And, such is the value of a spotless reputation, no breath of an ulterior motive hung round this act of munificence, such as we are led to suppose accompanied the shower of gold which changed the fortunes of Dunaë.

But if cards helped to solace the Circuit evenings, there were compensations also by day to break the monotony of a briefless existence. The path of the Circuit lay through some of the loveliest country in England. The Thames, the Severn, and the Wye all spread out their charms ; indeed, to follow the stream of the Wye was almost to take the direct course from Hereford to Monmouth, and Monmouth to Gloucester. And then there were the hospitable country houses which opened their doors to the idle youth of the Circuit, and made him as welcome—or shall I say almost ?—as if he had been a soldier, or even a curate. Some-

times the host would be a member of the Circuit himself.

I remember a story of a Circuit friend at whose house I have often visited. It was a beautiful place, and my friend, with reason, was particularly proud of a noble avenue of limes which formed one of the approaches to the house.

Among his guests on one occasion was a certain charming lady, who, mindful that the beauty of her youth was leaving her, was always striving to impress on the world that she was much younger than she really looked. As she was being driven through the avenue to the house, she could not conceal her admiration, and turning to her host she exclaimed, "Oh, Mr. L——, what perfectly lovely trees! Did you plant them?" "No," was the grave reply, "I did not. They were planted by my great-great-grandfather"; and then in accents of the gentlest irony, "Did you know him?"

It was of this same Mr. L—— that I remember a legend at Mess. L——, besides being a person of position, was a highly-cultured and educated man, but he was very absent-minded, and as the result perhaps of this, he was singularly neglectful of the ordinary *convenances* of dress, and would present at times a most unkempt and slovenly appearance.

On a certain Grand night at Mess, a wag got up at the table and proposed the toast of the Baths and Washhouses of the Oxford Circuit, coupled with the name of Mr. L——. The "draw" was successful.

L——, with the modesty of a freshman, rose to return thanks, blushing with delight at the compliment that had been paid him. Notwithstanding the peals of laughter that accompanied his remarks, he continued to speak to the end in a strain of unsuspecting earnestness, and resumed his seat quite unconscious of the joke that had been played on him.

Another highly popular Circuit host was Staveley Hill, Q.C., who had a country house near Stafford, and delighted in entertaining Judges and Bar for the week end. Staveley Hill, though a learned barrister and a serious politician (he was member for one of the divisions of his county), had a genial, breezy manner, which suggested not only health and spirits above the average, but that peculiar flavour of unaffected heartiness which comes from long association with the King's Navee. He was standing Counsel to the Admiralty, which perhaps helped to keep up the illusion. He was also a man of restless activity, and never so happy as when he was trotting his Circuit friends round his estate. After the longest walk, there was always some fresh point of interest to be inspected, a shorthorn or a new drain, or some such alluring treat (!) which only the country can supply. Sometimes these excursions on a hot summer's day were apt to be exhausting, and I am reminded that I was once discourteous enough to make a protest, which as it involved a small witticism, and witticisms are scarce in these pages, I may be pardoned for repeating. After an

unusually fatiguing walk we were returning home and were almost in sight of the longed-for tea and strawberries, when Staveley, addressing me in lusty tones, said, " By the by, Chick, I have never shown you my concrete cottages. It won't take us more than a quarter of an hour." But that quarter of an hour was just the last straw. " My dear Staveley," I said, " do excuse me. It is agony to give up the concrete cottages, but honestly, for the moment I prefer them in the abstract."

I remember another Sunday, when among the guests was the late Mr. Justice Grove, one of the most distinguished men of science of his day. A violent thunderstorm broke out, which drove most of the party indoors. A few of us remained outside, fascinated by the learned Judge, who seemed to find in the tempest a source of interest and delight which might be looked for in vain on the judicial Bench. Bareheaded, he walked eagerly about the garden in a state of ecstasy, watching the clouds and the lightning, and discoursing the while in the most learned way on the secrets of electricity. In the meantime, such are the contradictions of human nature, one of the party, terrified by the lightning, had fled to the darkest corner of the house, where he remained secreted until the last cloud of the storm had rolled away.

Yes. These Circuit days are pleasant to recall; but they were much more than merely pleasant, they were invaluable. They did more than anything else

to reconcile me to my profession, and to brighten the horizon with hope. To pass from the Temple to a Circuit town was to escape into a different atmosphere. Difficulties there were in plenty, but they were not so formidable as in London. There was not the same sense of being lost and unknown. The competitors were fewer, the opportunities greater, and you felt that you were at least known by name and sight to solicitors who had briefs to give away, which if not much, was at least something. The whole outlook, in fact, was different. The field for your energies might be small, and not too productive, but it was something to know its limitations—better by far than to be an unrecognised atom in a world of space, without a ray of hope in any quarter.

It is not a little curious that Circuits, composed as they are of members belonging to a common profession, and recruited, therefore, from the same sources, should nevertheless each have their separate characteristics.

It was the peculiar boast of the Oxford Circuit to have acquired a reputation for an almost excessive refinement of tone and manners. Whether this was due to the large infusion of university men I cannot say, but of the fact there can be no question. In its wildest moments of gaiety, when at the convivial Mess-table, men threw off the cares of the Courts and social intercourse became free and unrestrained, there was a notable absence of jest or anecdote which

was capable of offending by coarseness of expression or want of taste. Any such display would have been promptly cold-shouldered. The instinct of the Circuit was against it.

The system of fines, I believe, was common in some shape or other to all the Circuits. It was honoured on the Oxford Circuit as an ancient custom, but it was kept within reasonable limits, and was never allowed to be oppressive. In old Circuit Records, the fine seems to have been a fixed penalty of a gallon of claret, or forty shillings. The minimum fine on Circuit was a dozen of champagne, and in flagrant cases the dozen would become three or even five, but the punishment would always be skilfully adapted to the strength of the back which would have to bear it. An offender had only to let it be known that the fine pressed heavily, and he was instantly excused.

Quite the most constant and flagrant offender in my day was the present Mr. Justice Jelf, and he was so eminently successful and prosperous in the Courts that the Junior seldom showed him any pity. Indeed, I remember one Junior with a classical turn of mind rending him with the quotation as being "*Animal propter convivia natum.*"

As I have mentioned, by far the most graceful and effective after-dinner speaker was Henry Matthews, and he was particularly happy at times in coining phrases which seized the fancy of the Mess by their aptness and finish.

A letter was read at the Mess one evening from Lady Diana Huddleston gracefully pleading "guilty" to having tempted the Leader of the Circuit into the path of matrimony, and submitting to judgment in so many dozens of champagne.

Needless to say such a letter as this instantly won the heart of the Mess, and was received with enthusiasm, but there is no cause without a minority of some sort, and at that crowded Mess-table of thirty or forty men, there was one angry dissentient figure—a burly figure, with an honest, ruddy countenance, crowned with a shock of curly hair. He was an excellent creature as well, but a deep-seated Toryism kept him on the constant watch against anything that was not protected by ancient precedent. Such a proposal as Lady Diana's was a flagrant innovation, and he protested vehemently that the Mess would be debasing itself and creating a hateful precedent if it allowed its cellars to be replenished to suit the idle whim of a lady.

Scarcely had he resumed his seat before Henry Matthews sprang to his feet, and in a tone of splendidly assumed indignation, asked "in what pagan pastures his friend had been wallowing" that he should make such a protest. The words may not convey much to the reader. They are too far removed from time and place, but never have I seen an audience more delighted. The aptness of the metaphor appealed to everybody, and I doubt whether any one appreciated it more than the good-

natured victim whose Tory principles had forced him into a lonely opposition.

I am reminded, as I think of this Mess reminiscence, of another Circuit hero who carved a niche for himself in the temple of Fame by a splendid disregard of what I might call the ordinary conventions of a Criminal Court.

B—— was not remarkable for too much devotion to his profession. Themis was all very well where nothing else interfered, but B——'s heart was on the racecourse, and he studied an affectation of dress which, suitable at Newmarket or Epsom, harmonised but indifferently with the wig and gown of the Assize Court.

On a certain occasion at Gloucester B—— was instructed to prosecute a man for burglary. Now if there is one elementary principle in criminal procedure more widely known and more sacredly observed than another it is that the antecedents of a prisoner, if unfavourable, should be religiously kept a secret from the Jury until after they have delivered their verdict.

The object, of course, is to secure for the prisoner a fair trial. It is felt that such a trial would be impossible if the Jury knew from the start that the prisoner was an old offender and had been previously convicted.

Of this sacred rule B—— quickly showed, to the consternation of the prisoner, that he was profoundly ignorant. Having touched on the main

features of the charge, he proceeded, "And now, gentlemen, I come to a very important fact. I am sorry to tell you, though it must make your duty easier, that the prisoner has been previously convicted." The Judge who was trying the case—Baron Bramwell—hastily interposed, "Mr. B——, you must not say that." "Oh, but," retorted the unabashed counsel, "I can prove it, my Lord." "Mr. B——," again interposed the learned Judge sternly, "I am amazed at you! I forbid your doing anything of the kind"; whereupon B——, even more amazed than the Judge, exclaimed reproachfully, "But here they are," and before he could be stopped he held up to the Jury, amid much laughter from the Bar, a long list of convictions, with the prisoner's photograph at the top, at the same time casting a withering glance of reproof both at the Bench and the Bar for what he considered had been a most unmeaning interruption. Needless to say that in spite of an appeal from the learned Judge to the Jury to disregard these damning proofs, the Jury in double quick time returned a verdict of "guilty," and the prisoner had just reason to regret that his fate had been placed in the hands of a counsel who, with all his sporting instincts, had not grasped the truth that a prisoner, however bad, is entitled to have a run for his money.

The county of all others on Circuit which I came to know best, socially, professionally, and I might add politically, was Shropshire. I learnt to know

it from end to end. There is a well-known hill in the heart of the county, called the Wrekin. It is a favourite landmark with Shropshire folk, and has given rise to a toast at convivial meetings of "All friends round the Wrekin." I had the happiness of having friends all round the Wrekin, and the kindness and hospitality I received from them, on Circuit and off it, can never be forgotten.

Although I had something in the nature of an hereditary claim to be considered a Salopian, and on the faith of this had been elected a member of the Shropshire Hunt, yet personally I had no connection with the county whatever, having no home there, and not being possessed of so much as a rood of land. I had all the more reason therefore to appreciate the kindness I received, and to look back with thankfulness on the happy inspiration which drove me to select a Circuit which included the fine old county of Shropshire.

It was while a guest at one of these hospitable Shropshire homes that a happy chance threw in my way the opportunity of cultivating a taste for amateur acting, which until then I was not conscious that I possessed. I wish everything in life had been as easy for me as my progress on the stage. I took "silk" at the start; the first part I was ever called on to play, being Prosper in the "Scrap of Paper." It was no use telling my hostess that I knew nothing about acting; she insisted that I was born that way, probably because I gesticulate

more than is usual among Englishmen. I remember an incident in connection with this habit which was rather amusing in its way. The sister of an intimate friend of mine became engaged to a Frenchman, who unhappily knew very little English. My friend was even more ignorant of French, and having asked his brother-in-law to dinner at the Club, it occurred to him to invite me to meet him, in the hope that I might help to make the conversation easier. I had indeed to bear the whole brunt of it, for my host, having with a wave of his hand introduced me to the Frenchman in the single word " Monami," subsided for the rest of the meal into a condition of helpless silence. At the end of the dinner, when honours might be said to be fairly divided between the Frenchman and myself, both of us having struggled manfully with the language of the other, I remarked to the Frenchman, what was indeed true, that he was the most English-looking Frenchman I had ever seen. He replied with a courteous bow, " Merci, Monsieur, et vous ressemblez beaucoup à un Français, parceque vous avez tant de gestes."

What helped to make my enjoyment of theatricals all the keener was that I never felt the slightest trace of nervousness. This I am informed is the sure sign of incompetency, your true actor never getting quite rid of the feeling, however great his experience. Be this as it may, the mere fact of being an amateur was sufficient in my eyes to cover every failure, and

it could not much matter, therefore, whether you failed or not. Thus, I trod the boards in happy confidence, and accepted, without misgiving, the most difficult parts. I even soared as high as "David Garrick," and I possess now a fine engraving of the great actor, which was given to me by my host after playing the part in his house. What, perhaps, gave me even greater pride and pleasure, was the opinion expressed by a well-known professional who "coached" us, that had I gone on the stage I should have been able to make a livelihood.

It will not be wondered at that, thus encouraged, I gave much of my time to the amateur stage; nor do I think that the time was by any means wasted. The acquisition of any kind of knowledge is useful at the Bar, and I have always thought it a pity that greater attention should not be given to the study of an art which is in closer relation with the legal profession than with any other. A little practice in elocution, a little training in the use of the voice and hands, and how much more effective would be the speeches of our leading advocates. Nothing is more dramatic in itself than a criminal trial, especially where the issue of life and death hangs in the balance, and yet when the moment comes for the prisoner's advocate to address the jury, admirable as his address may be in point of argument, the effect is too often marred by the absence of any kind of feeling or touch of art. It is delivered in much the same tone as if the orator were explain-

ing the non-delivery of a bale of goods. Imagine what the effect would be if a speech, perfect in itself, were delivered by Irving or Tree, or placed in the hands of such a master of declamation as Hermann Vezin. I believe the stage as a profession is much more ready to learn from the Bar, than the Bar from the stage. More than one actor of repute has spoken to me of the interest he finds in watching the course of a trial; and a rising actor surprised me one day by telling me that he often mixed with the crowd in my own Police Court, and found it probably quite as interesting as I found his theatre. Whatever the value of these remarks may be, they are at least real to myself, and in the very limited field which has been open to me of practising public speaking, I have always endeavoured to make up for natural deficiencies by playing up to the part as well as I could, even to the point of pretending an enjoyment which I did not feel.

CHAPTER XII

IN the year 1871–2, at such intervals as I could spare from my duties, I found a subject of special fascination in attending the Tichborne Romance, which first in one Law Court, and then in another, was engrossing public attention.

It will be remembered there were two great trials, one a civil action to test the right to the estates, the other a prosecution for perjury against the Claimant (1) in asserting that he was Sir Roger Tichborne, and (2) in denying that he was Arthur Orton, a Wapping butcher. It must always be matter of wonder that after the collapse of the Claimant's case in the first trial, his Counsel electing to be non-suited, such elaborate machinery should have been required to crush him in the second; for not only did the second trial occupy one hundred and eighty-eight sittings, or nearly a twelvemonth, but it was tried before three Judges, one of them being the Chief Justice, and was conducted on the part of the Crown by a most imposing array of the highest legal talent. For the benefit of those whose minds are not familiar with the outlines of the biggest

imposture the world has ever seen, let me recall a few leading considerations.

The starting-point of the case was the shipwreck of Roger Tichborne in the *Bella* in 1854, on her voyage from Rio to New York. He was then twenty-three years of age, and he was not again heard of until 1865, when the Claimant appeared and announced himself as the long missing heir of the Tichborne estate. So far there was nothing absolutely incredible in the Claimant's story. Missing people, supposed to be dead, have been known to turn up, to the astonishment of their kith and kin, after long intervals of time; but in this case the reappearance of a man, believed with good reason to have been drowned, was only one of a long train of improbabilities which had to be swallowed, not separately but altogether, in order to establish the Claimant's position. If there was one living man more than another utterly unlike Roger Tichborne at the time of his disappearance, it was the Claimant, not only in personal size and appearance, but in habits, tastes, and education, and in everything which seems to distinguish one individual from another; and yet it was an unfortunate necessity of the case, that every one of these dissimilarities had to be proved in Court before the claim could be said to be wholly demolished.

Roger Tichborne, at the time when the *Bella* went down, was a slim youth of twenty-three. He had received the usual education of an English

gentleman, and could talk French with fluency. He had been tattooed on his arm by Lord Bellew in early youth, and there was a peculiarity about the lobes of his ears, which made imitation impossible. They were small and closely attached to the cheeks. This is only to mention a few leading peculiarities, any one of which might have been thought conclusive.

The man who, after a lapse of eleven years of unbroken silence, asked the world to believe that he was the same youth who had been shipwrecked but not drowned, was of unnatural size and build, unable to speak a word of French, and so ignorant of Latin, that when asked the meaning of "*Laus Deo semper*," he translated it off-hand as "The laws of God for ever." He had no such tattoo mark on his arm as Lord Bellew deposed to, and the lobes of his ears were hopelessly unlike those of Roger, and yet this man was able to rally round him a considerable force of independent opinion in favour of his claim, and to keep the truth at bay for months. What was the explanation ?

The answer must be found in the fact that Lady Tichborne, the mother of Roger, for reasons which were subsequently shown to be valueless, declared in his favour, and acknowledged him as her son ; and that the family lawyer, who might be presumed to be impartial as well as intelligent, also declared himself convinced. These were two very valuable allies, and they were supported by a third who was even

more useful, a coloured servant of the Tichborne family named Bogle, with whom the Claimant had become acquainted in Australia. There was no doubt that Bogle had been a party to the fraud from the beginning, and had coached the Claimant zealously and given him much useful information regarding the Tichborne estate. But what I think kept up the fraud more than anything else was, paradoxical as it may appear, the unfathomable ignorance of the Claimant of every fact concerning the Tichborne family and history, which he might have been expected to know of his own knowledge. Had he known more, he would have succeeded less. This colossal ignorance necessitated a very long cross-examination by the Attorney-General, Sir John Coleridge. I followed it closely, and I have always been under the impression that, admirable as the questions were in form and substance, they would have produced more effect had they not been suffered to travel over quite so large a field. The Claimant left the witness-box with the air of a martyr, and with a certain feeling of sympathy for him as for a man who had been most unduly and unprecedentedly badgered by Counsel; and there were many who thought as well, that there must be something behind a claim which required such a deal of crushing. The cross-examination was so prolonged that the ordinary observer could not keep in his mind all the damaging replies and fatal admissions that were wrung from the Claimant day

by day. They tended to destroy each other. The crop was in fact too plentiful, and sunk under its own weight. Moreover, a cross-examination in order to stimulate must be directed against an intelligence only a degree less keen than that of the cross-examiner. Nothing is so wearying, so dispiriting, as a dull, unresponsive witness. It was clear that Sir John Coleridge felt and suffered from this, and when to question after question, many of them framed with much care and diligence, the only answer that came was "I don't remember," it is not surprising that patience gave way, and signs of irritability became manifest.

The Claimant, with all his dense ignorance, was very shrewd and clever, and knew how to make the most of a disagreeable situation. For the first few days, while under fire, he was a laughing-stock for gods and men, and he seemed to feel it himself; but as the examination proceeded, and he found that his position was no worse on the fifth day than it was on the fourth, or on the eleventh than it was on the tenth, he plucked up courage, protested that he was being bullied, and finally, as Sir John Coleridge became tired and irritable, he was quick to take advantage of the change of mood and to pose more than ever as an honest man with an unfortunate memory, delivered by Fate into the hands of a tyrannical Counsel. Wherever there is any ground for thinking that these are the true relations between Counsel and witness, there is very little question where the

sympathies of the public will be, and thus it was that the very ignorance of the Claimant told in his favour, and helped to keep out of sight the strong points in the case that told against him.

The one remaining factor in the case which must always be a standing source of surprise, was the amazing credulity of many excellent persons who were converted by the simplest processes into a faith which, once expressed, could not be shaken. It is not an exaggeration to say that if Roger Tichborne had actually turned up in the flesh, some of these minds would have remained unconvinced. They would have gone to the stake rather than admit they were mistaken.

I was a deeply interested spectator of both trials. It was not only that I was professionally interested. Socially, there was no topic of the day that was more eagerly discussed at dinner-tables, and indeed wherever two or three people were gathered together, and it was amusing to hear the different views expressed and the reasons that people gave for the faith that was in them. One of the most regular attendants at the trial was Mrs. Washington Hibbert, a lady connected by marriage with the Tichborne family and well known as one of the leaders of society. She chanced to be absent the day on which the verdict was given, and I remember rushing to her house to be the first to give the pleasing intelligence. I forget whether it was on this occasion or another that I received a curious impression

of her husband. He was as well known a figure in London society as his wife. He dressed in a remarkable way, and once seen in the London streets was not easily forgotten. I happened to ask him in a casual way across the luncheon table whether he thought of going down to the country; as the season was far advanced, and he had a charming country place, the question seemed a fairly safe one, but I was crushed by the answer, and his tone half scornful, half indignant: "I have not been out of London," he said, "for many years, and have no intention of leaving it. Why should I? London gives me all I want, and of the best." From what I have seen of life since, I believe this opinion to be shared by a good many people, though they have not all the same courage in expressing it.

But I have still to mention another incident of the Tichborne case. By a curious coincidence, at a sudden turn in the fortunes of the case, I was enabled to volunteer a piece of evidence which was considered sufficiently important to require my being called as a witness for the Crown. A witness had been called for the defence, Jean Luie, who was afterwards convicted of perjury; but at the moment his evidence was damaging, and unless it could be controverted, there was no chance of a conviction. It was one of the sensational episodes of the trial. Among other lies, he swore that he came to London from New York by a steamer called the *Circassian*, arriving on a certain day in May. As it happened, I had landed at

Liverpool that same day in May, and my steamer was the *Circassian*, only it had sailed from Quebec, not from New York. The coincidence was so striking that I immediately whispered it to Mr. Hawkins, Q.C., who was conducting the case for the Crown, and behind whom I was seated. He at once asked leave of the Court to interpose me as a witness, and I was examined where I stood, in my wig and gown. After one or two questions by Dr. Kenealy, on behalf of the Claimant, the Chief Justice asked me how I was so sure of the date. "Oh! my Lord," said Mr. Hawkins, before I had time to reply, "there can be no mistake as to that. Your Lordship will have noticed that the steamer arrived just before the Epsom races. My learned friend's sporting proclivities are well known, and no doubt he chose that boat in order not to miss the Derby."

This little sally was followed by the usual laughter, and I felt that a sad check was given to my professional prospects. If I was prejudiced in any degree, it was more than atoned for by the kindness and consideration which I received from the distinguished Counsel after he became a Judge. I think I was engaged in more cases before Mr. Justice Hawkins than before any other Judge, and he was invariably kind and encouraging. It was the fashion to call him a hanging Judge, but nothing could be wider of the mark. No Judge on the Bench could possibly be more thorough and conscientious in trying a criminal case, and his sentences were carefully considered and

by no means severe. If fate had brought me into a criminal dock, I should have felt safe of justice at the hands of Mr. Justice Hawkins, and I have heard many a barrister say the same thing. Many good stories are told of the learned Judge, and it is disappointing that at this moment I should only be able to recall one —a very little one, which is hardly worth telling.

An old woman in the witness-box had been rattling on in the most voluble manner until it was impossible to make head or tail of her evidence. The Judge, thinking he would try his hand, began with a soothing question, but the old woman would not have it at any price. She replied testily, "It's no use your bothering me. I have told you all I know." "That may be," said his Lordship, "but the question rather is—do you know all you have told us?"

As I have referred to one professional check which I received at the hands of a Judge, it may not be inopportune to mention here a second experience which I went through before another very eminent Judge, Baron Bramwell, at the Stafford Assizes. The story is well known at the Bar.

I had been briefed to defend a man on a charge of horse stealing, and as briefs were scarce, I had no idea of letting the case go without a fight. As chance would have it, the prisoner was arraigned during the luncheon hour, when I had left the Court, and I was disgusted to find on return that he had actually pleaded "guilty." I at once sought the Judge and asked him privately to let the plea be withdrawn,

explaining to him my position, and assuring him that had I been in Court I should have advised the prisoner differently. The learned Baron demurred at first, but seeing my earnestness he gave way, and the prisoner was permitted to withdraw his plea. The trial came on, and after I had addressed the jury with much fervour, the learned Baron proceeded to sum up as follows :—

"Gentlemen of the Jury, the prisoner at the Bar is indicted for stealing a horse. To this charge he has pleaded Guilty, but the learned Counsel is convinced this was a mistake. The question, therefore, is one for you, gentlemen, which you will believe. If you should have any doubt, pray bear this in mind, that the prisoner was there and the learned Counsel wasn't." Laughter from every part of the Court seemed to follow this terse exposition, and I felt not a little small, and vexed as well, for I did not think I was being fairly treated. I could not doubt, however, the absolute justice of the verdict which followed, and my conscience was easy, for it could not be said that I had not earned my fee.

To return to the Tichborne case, as to which I have still something left to say. Perhaps never was an opportunity for making a name more perversely thrown away than by Dr. Kenealy, who defended the Claimant on the trial for perjury. It is true that, humanly speaking, the Claimant was bound to be convicted ; it is true that against Dr. Kenealy was arrayed a most formidable array of Counsel, and that

Dr. Kenealy himself had to combat a considerable degree of feeling against his own character, which was known to exist, with or without good reason. But given all this, there remained the solid fact that here was a trial which excited universal attention, almost dividing public opinion. The opportunity was a great one, nor could it be said that intellectually Dr. Kenealy was not equal to it. He was a man of great capacity. Over and above his equipment as a lawyer, which was ample for any cause, he possessed literary gifts of a high order, and was an accomplished linguist. A striking illustration of his genius in this respect had been given to the world in the shape of a volume of poems, among which were to be found the best-known English nursery rhymes translated into a variety of foreign languages, French and German, Russian and Sanscrit. Lastly, as a fact not without significance, it was understood that he had in the Lord Chief Justice, who presided at the trial, a friend who sympathised with his genius, and would have been well pleased to see his talents turned to the best account.

It seems almost incredible that with all this in his favour, when nothing much more was required than an honest, straightforward defence conducted after the manner of an English gentleman, Dr. Kenealy should have so sinned against the proprieties as to draw down on himself the condemnation not only of the Bench, whom he grievously insulted, but of all right-thinking men. He was a member of the Oxford Circuit, and so grave was the view taken of his

professional misconduct that it was felt unless he could clear himself that he was unfit to continue a member of the Mess. Among the charges which he was invited to answer, was his conduct in asking the jury to believe Jean Luie, when he knew him to be a perjured witness, to explain why he felt it right to describe the Tichborne family as Hampshire hogs, the priests as infamous night owls, and the teachers at Stoneyhurst as wilful corrupters of their pupils; why he charged the owners of the *Bella* with scuttling the ship in order to cheat the insurers, without any ground whatever; why he compared the Judges who presided to Scroggs and Jeffereys; and generally why he wilfully misrepresented much of the evidence.

Every facility was given to Dr. Kenealy to meet these charges. He declined to face them on the ground that they were too general and not sufficiently specific. There was thus no course but one left open to the Circuit. A motion was brought forward that his conduct was unworthy of the Bar and of a gentleman, and being carried unanimously, Dr. Kenealy ceased to be a member of the Circuit Mess.

CHAPTER XXIII

AS my mind travels back to these days, I pass in mental review a long line of Judges, many of whom were known to me personally, and from whom I received the utmost kindness and encouragement. If I had known half as many solicitors, equally well disposed, I should have had no misgivings about my future at the Bar.

One of the greatest Judges that I can remember was Mr. Justice Blackburn, afterwards Lord Blackburn. He was a very impressive personage on the Bench by reason of his profound learning, his impatience of ignorance, and a strong dictatorial manner. His mother was a very clever old lady, from whom he probably inherited much of his own strength of character. There was a story that the old lady, having quarrelled with one of her tradesmen, consulted her son as to a legal remedy. He strongly advised her on no account to go to law, but the old lady, not relishing such peaceful advice, took the tradesman into the County Court and achieved a great victory. In broad Scotch, she gave her distinguished son plainly to understand that she didn't think much of his law, and was much surprised that he should have

so great a reputation. I saw a good deal of the Judge in private life. No one could be more gentle and benevolent in all his ways, and it used to be a standing wonder to his nieces and nephews that any one could be afraid of him. I remember spending a happy time with the Blackburn family in Scotland, where the Judge had a charming house in Ayrshire. It was in the heart of the country of Robert Burns, and I really believe there was not a line of his poetry which the Judge did not know by heart; he was never tired of quoting him. He had a wonderful memory, and not limited to poetry, for I remember on one occasion hearing him repeat a long passage from one of Macaulay's essays. When he was made a law lord I asked him if he regretted ceasing to be a Judge. His reply was significant: "I am glad," he said, "to have done with criminal work on Circuit, for I never felt sure I was giving the right sentence, whether it was not too much or too little." All the wisdom and all the learning in the world will never get over this difficulty.

Sir Alexander Cockburn was Chief Justice when I was called to the Bar. He was held in great admiration by the profession, and his personality made a great impression on me, but I had no relations with him of any sort. It was different with his successor, Lord Coleridge, of whom I saw a great deal as reporter in his Court, as Counsel, and in private life. I think he was as near as possible an ideal Chief Justice. He may not have fulfilled the expectations

of the pedants who require the Chief Justice to be the greatest lawyer of his day, but looked at from a broader point of view he was admirably qualified for the position. He had a fine presence, with great dignity of manner, and a silvery eloquence of speech which won for him a high reputation as an orator, before he was called upon to preside in the Queen's Bench. He was well versed in literature, and possessed to the full that refinement of mind, and delicacy of taste, which we understand by the word Culture. His conversational powers were remarkable, and as a *raconteur* he could have had but few equals. It is strange in these days of biography that no author has arisen to tell the world something of the charm of Lord Coleridge. His life yet remains to be written.

My first introduction to Lord Coleridge, if I may so describe it, arose out of a curious little experience in his Court, which befell me as a reporter. He had reserved judgment in an important case of considerable public interest. It was the usual practice for Judges to hand down their written judgments, in the first instance, to the *Times* reporter. I was at no particular pains therefore to listen to the judgment as it was delivered, nor was I much concerned when, having finished reading it, the Chief indifferently placed the manuscript on the cushion in front of him. As, however, the business of the Court proceeded, and the manuscript still lay on the cushion, I wrote a submissive little note to the Chief, begging that I might be favoured with it. The Chief read my note and

quietly placed it by the side of the manuscript. I did not know what to make of this, when it occurred to me that possibly the reason I received no reply was that I was not robed. When a barrister addressing the Bench sins in this way against the ritual of the Court, the Judge no longer sees or hears him ; he ceases to exist professionally. I accordingly hastened to the robing-room, and having put on my wig and gown, returned to my place, looking as meek and penitent as I could. Almost immediately the Chief began to write, and the following little note, which I happen to remember exactly, was handed down to me :—

"DEAR MR. PLOWDEN,—I hope you will acquit me of discourtesy, but I make it a practice never to give my judgments to any newspaper, however considerable."

I thought the wording of this note very delightful, and I was glad to be once more visible to the eyes of Justice, but I was a good deal nonplussed how I should be able to discharge my duty to the *Times*. Luckily, being a Saturday, I was not pressed for time, and thanks to the help of Counsel engaged in the case, and my own report of the argument, I was able to send in a report which sufficiently expressed the sense of the judgment.

I have never doubted since that Lord Coleridge had no thought of placing me in any difficulty. All that was intended was a gentle reminder that what was worth having was worth the asking for, and asking for in the right way. Something of the same

line of thought may be traced in the well-known story of Lord Coleridge's interrupting a learned Counsel, who alluded airily in his speech to Connie Gilchrist. "Who is Connie Gilchrist?" asked the Chief, in tones of cold surprise. I have often heard this imputed to Lord Coleridge for ignorance which, even if he possessed, he ought not to have proclaimed. I think it more likely that all that was intended was to vindicate the dignity of the Court, in the form of a mild rebuke to Counsel for introducing the name of a popular actress, and taking it for granted that her fame was known to the Bench. The name, in fact, was introduced with too familiar a touch, and so jarred against the sensibilities of the Judge.

I remember defending, by request of Lord Coleridge, in a very sensational murder case at Hereford, which was tried a few months before I was appointed a Police Magistrate, and was therefore one of the last cases I had at the Bar.

Two men, both young, had burglariously entered the house of a very old gentleman living in the suburbs of Hereford, and had ruthlessly murdered him. The cowardice of such a crime, and at the same time the daring of it, painfully affected local opinion and caused a great sensation. The two prisoners were strikingly unlike each other, and were separately defended and tried. One of them, Jones, who was defended by my friend Morton Brown, the present Recorder of Gloucester, had a rather prepossessing appearance. The other, Scandreth, for whom I was concerned, was

a short, thick-set man, partially deformed, and with a very ill-favoured countenance. Lord Coleridge, with kindly forethought, had asked my friend and myself to undertake the defence two or three weeks before the case could be heard, so we had ample time for preparation; but as each of the prisoners had made a written confession sufficient to hang the pair of them, very little thought was in fact required. There was some reason to think that the fatal blow which had killed the old man was inflicted by Jones, and on this fact (though it made no legal difference), and by exciting the sympathy of the jury for the unhappy deformity of my client, I was so far successful as to produce an impression on them which, had there been no summing up to follow, might have given him a bare chance of acquittal. The Court was very crowded, and a wave of emotion seemed to find its way into the jury-box as I sat down, but it was only temporary. A few sentences from the Chief Justice, delivered with his usual impressiveness, were sufficient to steady the position, and both prisoners were duly convicted and sentenced to death. Then ensued a terrible scene. Scandreth, after raising his hands aloft as if to implore the Divine mercy, made a sudden spring at Jones, and would probably have strangled him then and there but for the warders, who threw themselves upon him and with great difficulty succeeded in mastering him. He struggled and fought like a wild beast, and showed superhuman strength.

I have other reasons for remembering this trial.

Lord Coleridge was anxious that Brown and myself should accept something in the shape of a fee at his hands; but as this seemed contrary to the etiquette of the profession, we respectfully begged to be excused. It is matter of common occurrence for a Judge to ask Counsel to defend in murder cases where the prisoner is without means; and any barrister so invited is always ready and glad to do his best for the honour of his profession and without thought of remuneration. Lord Coleridge therefore was departing somewhat from the usual course, but on our refusal he wrote a letter conceived in so charming a spirit, that both my friend and myself felt that it would be ungracious to persist in our scruples. The occasion was so entirely without precedent that I have always regretted I did not preserve the cheque as a memento, or change it into some lasting souvenir.

I do possess Lord Coleridge's letter, and to remove any possible doubt as to the true feeling which prompted him in so delicate a matter, I cannot do better than reproduce his words. After saying that he must acquiesce in our wishes if we insisted, he continued: " I just wish to say that I never dreamed of *remuneration*, but only of the smallest possible acknowledgment to you both for relieving me of a great responsibility. Let me add that if I should have to come this Circuit again, it will very materially hamper me in the choice of Counsel to help me, if they do not feel at liberty to let me help them in the very small

matter of *expenses* (for it was no more) which my cheque was meant to assist. However, I thank you very much, and quite appreciate the *motif* of your letter."

Lord Coleridge was at his best on great ceremonial occasions. Nothing, for example, could have been better in its way than his charge to the Grand Jury at the Reading Assizes on the occasion of the trial of Roderick Maclean for High Treason before himself and Baron Huddleston. It will be remembered that the prisoner fired a pistol at Queen Victoria as she was driving from Windsor Station to the Castle, and was acquitted as insane. There is nothing very intricate about the law of High Treason, resting as it does on a couple of Statutes which are far from ambiguous; but there is an art even in dealing with simple subject matter, and Lord Coleridge's exposition of it, delivered in his fine voice and with becoming dignity, left nothing to be desired by the most fastidious critic.

I have many recollections of Lord Coleridge's personal kindness. The last of them was on my appointment as a Police Magistrate, and I am not likely to forget the inimitable form of his congratulation, nor the genial smile which accompanied it. "I congratulate the public," were his words—that was all.

Another distinguished Judge from whom I received many kindnesses was the late Lord Bowen, the intimate personal friend of Lord Coleridge. I had

known him for some time in that casual way in which barristers get to know each other in the Courts, when one day he invited me to join a dinner party he was giving at his house. After a very pleasant evening, I was wishing him good-night, when he startled me not a little by saying, "By the bye, I was going to ask you, will you kindly protect me to-morrow in the Common Pleas?" Probably it is known to all men that there is a custom at the Bar called Devilling, which simply means that when a Counsel has two cases coming on at the same time in different Courts, he asks a friend to attend to one of them. Such a friend immediately becomes a "devil." The Bar is widely infected with this Devilry. It is almost a profession in itself. With some men it is, "Once a devil, always a devil"; they never become anything else. Others more fortunate, or more pushing, succeed in forcing themselves on the attention of solicitors. There is something pathetic in the thought that many highly trained men see no other way of gaining a livelihood than by placing their unpaid services at the disposal of their more fortunate comrades. It is not a natural state of things, nor is it everybody that can put the same heart into another man's work that he can into his own, but there seems no remedy for it under the present system of things. The need of Devils can never cease, and there can be no fear of the supply not being equal to the demand. There is indeed one Devil who stands on a proud pre-

eminence by himself, and gives a kind of distinction to the inferior spirits that swarm around him. He is known as the Attorney-General's Devil. It would be more correct to call him an understudy than a Devil, for he does not work without pay, and so important is his position withal that it not infrequently leads straight to the Bench.

I remember hearing a very witty reference to a Beelzebub who had thus been promoted over the heads of many Silk Gowns. At a dinner which was given to celebrate the event, his health was proposed, I think by Mr. Bulwer, Q.C., who in the course of a very happy speech explained the success of the guest of the evening by quoting the line, "Flectere si nequeo superos *Acheronta* movebo."

To return to Lord Bowen. When he asked me, as I have related, to protect him in the Common Pleas, he was merely expressing, with Balliol finish, the desire that I should become his Devil for the occasion. Of course I consented, and Bowen, after assuring me that the point was a small one, proceeded over a cigar to explain the outlines of the case. I did my best to take it all in, but it was not without a feeling of trepidation that I attended the Court the following morning, a feeling which was increased to positive dismay when Bowen's clerk placed before me a prodigious pile of papers, in the midst of which twinkled somewhere the little point which I had been told was so clear and simple. It must be remembered that I was very young and in-

experienced, and quite incompetent to handle, with so little preparation, the material of what was really a formidable case. Fortunately I was relieved from making an exhibition of my ignorance, as after some anxious waiting Bowen returned in time ; and I can only put down the fact that he should have thought of entrusting me with so great a responsibility to the admirable modesty, one of the most winning traits in his character, which refused to recognise that what was easy to him could be difficult to any one else.

I had many proofs of kindness from Bowen after he became a Judge, and great encouragement to persevere on Circuit. In 1882, as Senior Judge on the Oxford Circuit, he appointed me a revising barrister for Oxfordshire. As the vacancy was not generally known, the appointment came to me as a pleasant surprise, and in the charming little note which Bowen wrote to me, he included a message from his brother Judge, that had the patronage been with him he would have made the same appointment. Thus a very desirable prize tumbled into my lap unexpectedly, brought down by a double-barrelled shot. It was a great stroke of good fortune, for it brought just that addition to my income which made marriage practicable.

Among other Judges who were specially friendly to me, off the Bench as well as on it, I can never forget Justices Grove, Denman, and Lopes.

From a boy I have always been attracted by the

companionship of men older and wiser than myself. The profound knowledge and great scientific reputation of Mr. Justice Grove made him one of the most remarkable men of the day, and it was not possible to be in his society, so frequently as I had the pleasure to be, without deriving benefit from his great stores of information. There was never a trace of superiority about him. He was the same to all—genuine, wise, and unaffected—and, as a Judge, quite splendidly impartial. I think I had my first civil Brief before him at the Gloucester Assizes. It ended, or rather broke down, in a nonsuit, but the Judge was so gracious about it afterwards as almost to make me feel I had scored a success.

Mr. Justice Denman was appointed as a Judge to the old Court of Common Pleas at Westminster, presided over in those days by Lord Chief Justice Coleridge.

The son of a great Chief Justice himself, and reared in the lap of the Law, he might be said to have inherited the judicial aptitudes which clung to him so gracefully. It was impossible to wish for a Judge more dignified or impressive in manner, and more studiously anxious to fulfil the requirements of his position. Absolutely inflexible in principle, he had a patient ear and a kind heart for those in trouble. If the thunderbolt had to fall, it was never discharged from his hand hastily or capriciously, but only under an imperative sense of necessity. A more conscientious Judge never sat on the Bench, and I cannot

recall one who was more highly esteemed in the profession and out of it.

His eldest son, George, carrying on the judicial traditions of his race, has been a Police Magistrate since 1890. It would not be in taste for me to sing his praises too loud. I resist the temptation to say more than this—that I am happy in my colleague as I am in my friend.

It remains to say a word of Mr. Justice Lopes, certainly not less patient, courteous, or just than any of his colleagues.

His was a mind of massive simplicity. He had a strong hold over juries, by reason of the terseness of his charges, and the pains he took, to make the issues which they had to try clear and intelligible. There was no straining after effect in anything that he did. He was content with achieving correctness. He never overlooked a material fact, and Law as it dropped from his lips was cold and clear as crystal. At the Bar, as one of the leaders of the Western Circuit, I have heard it said that he was apt to be impatient at times, and even irritable. In the rough seas of forensic controversy squalls are only to be expected, but as the haven of the Judicial Bench is reached, and the advocate glides into the Judge, a different temper reveals itself. Sir Henry Lopes, as a Judge, was all sweetness and light. I never saw him ruffled.

If I cease with Mr. Justice Lopes to attempt further judicial sketches, it must not be supposed I have come to the end of my list.

I do not think there can be many barristers who owe so much to the disinterested kindness of Judges as I can claim, and this not from two or three, but from many. I do not know where I should have been at the Bar without them. Almost every success I enjoyed in a very modest career, I owed to one Judge or another. If it had not been for Mr. Justice Brett I might never have attained to the distinction of a red bag, which marks the first faint sign of an upward movement in a barrister's life. It was at his suggestion that I received it from the usual source, the Leader of the Circuit. As to the cases I defended on Circuit at the request of the Judges, they were numerous enough to give me almost an official position, and more than anything else helped to make me known on Circuit. In many other ways was I encouraged. More than one Judge advised that I should take silk, and if for any reasons testimonials were required, I never appealed to a Judge in vain. I remember one occasion, indeed, when without any effort on my part I was not far from obtaining the position of a High Court Judgeship in India, and I was young enough at the time to make such an appointment very highly desirable. I was reporting in Court, when a note was handed down to me from the Bench, *Private and Confidential*, asking whether I would care to go to India as a Judge. There could be only one answer, and from what the note further revealed, for some days my hopes ran high. Ultimately the appointment was given to a much more

deserving person, Sir Douglas Straight, but I feel sure my name must have been considered, and I owed it all to the unsolicited kindness of a Judge.

I recall these things for the pleasure it gives me to acknowledge a great debt of gratitude, with regard to which, indeed, I could not be silent, and also because they seem to point the moral, that it is possible to achieve a certain degree of success at the Bar without the aid of solicitors. There are, in fact, two ways of viewing the Bar as a profession. There is the point of view of a " practice," which cannot be secured by any man solely on his own merits, to obtain which a solicitor must help; and there is the more independent view of using the Bar as a stepping-stone to legal appointments, over which, happily, the solicitor has no control. If you take a wide survey and include in it India and the Colonies, the Bar offers opportunities of promotion with which no other profession could hope to compete. I have explained that when I was called to the Bar I did not know a solicitor in the wide world; at the end of the eighteen years that I " practised " at the Bar I still pined for their mysterious influence. It is only since I became a Police Magistrate, when they no longer enter into my scheme of livelihood, that they cross my path daily—in Court, at the clubs, on the golf grounds, in fact everywhere, as numerous as the Leonids and far less fitful. This, of course, is part of the irony of life, but it does make for consolation that I contrived to find interest in my profession, and

profit, without them. Nor was my experience exceptional. I have touched in these pages on the gifted men who abandoned Circuit in despair. It is only fair to say that many who had the courage to remain on, sooner or later received their reward, in the shape of some appointment either at home or abroad. I do not say such posts fulfilled every ambition, but they were at least good enough to remove any stigma of failure, and, commercially considered, to excite pangs of envy in the breast of an Admiral or Major-General.

CHAPTER XIV

I WAS appointed Recorder of Much Wenlock in 1878, and was congratulated by an eminent Judge in terms which, if not exactly fastidious, expressed the most hearty conviction. "Depend upon it," said he, "it is a d—d fine thing to sit on a Bench."

Wenlock, unfortunately, was hardly the place to test the value of this fascinating truth. I was Recorder for ten years, and if I were not fearful of exaggerating, I should say that I did not sit on the Bench throughout that time more than ten working days, which, in view of the learned Judge's confident recommendation, could only be regarded as tantalising. It was the more so as no place could favour the administration of Justice more than Wenlock. Everything about it was ancient, historical, and solemn. The Court-house, in the centre of the little town, seemed to totter with age, supported as it was on pillars which had long strayed from the perpendicular. It had been the shrine of Justice for centuries, and under its shadow were still to be seen a pair of stocks, and, still more rare, the iron bracelets which were applied in former days to the wrists

of troublesome wives. Upstairs was the Court, reached by a staircase from the street, a little gem in its way, panelled with oak. On the Bench was placed a chair which might have been a throne, and facing it in large gold letters was the following inscription :—

HIC LOCUS ODIT, AMAT, PUNIT, CONSERVAT, HONORAT
NEQUITIAM, PACEM, CRIMINA, JURA, PROBOS.

Certainly if it is a fine thing to sit on a Bench, no one could wish for a finer Bench to sit on than Wenlock. All that was wanted was an occasional criminal to sit upon too; but whether it was the stocks with their suggestive memories that scared away the evil-doer, or whether a long course of even-handed justice had removed the temptations to crime, there was the fact that my passion to administer justice positively starved for want of fuel.

I sometimes let my thoughts dwell on the extraordinary contrast between the little Court at Wenlock and the Police Court I know best—at Marylebone—and wonder at the little wisdom nowadays which insists on the absence of everything which tends to make the administration of Justice dignified and impressive. As Recorder I wore a wig and silk gown, and was armed with tremendous power of punishment. As Police Magistrate I have to look as wise as I can without a wig (and it is by no means every countenance that can stand this test), and while my powers of punishment are very

limited, I exercise them upon hundreds of people every month, by fine or imprisonment. And what about the Court? It is like playing Hamlet in a barn. Anything less like a Temple of Justice can hardly be imagined. Marylebone compares favourably with some of the Police Courts in London, but with its sickly blue tiles running round the walls and its hideous wooden fittings a stranger entering for the first time might feel puzzled to say whether he was in a lavatory or a conventicle.

I believe all this to be a great mistake. I have no sympathy with the affectation which makes an Englishman shun the bare suggestion of an official dress. Something may be said, though not much, for the undergraduate who disdains to wear his cap and gown in the streets of his university, and for the British officer who is ready to die with shame rather than wear his uniform in unofficial hours, but the administration of justice is a very sacred and important trust, and no consideration, however small, should be neglected to symbolise the Law in the eyes of the public. I should like to see it matter of obligation that a Police Magistrate should wear something to mark his judicial office, something to distinguish him from the man in the street; if not a wig and gown, a badge of some sort or other. I believe the accessories of Justice count for much with the people, and I think it is not a little creditable to Police Magistrates that they should have won the confidence of the poor in their districts, as they have

done, with so little aid from the trappings of Justice. Sometimes, at Marylebone, a prisoner going into the dock creates a laugh by turning his back on the Bench and facing the public. I have never quite known what to make of this manœuvre. I have been inclined to suspect that it was a *ruse* on the part of the accused to give the impression of want of acquaintance with a criminal Court which is not really his, but I think it also quite likely that it arises at times from a natural ignorance which way to look, from an honest desire to *find* the Magistrate whom he has mentally clothed with wig and gown. There is yet another consideration. A little more ritualism in a Police Court, and I believe there would be greater decorum, and that we should hear less of those bursts of laughter which seem to be so easily provoked. And finally there is the prisoner in the dock, the hero of the piece, who certainly should not be forgotten. Who has not heard of the hardened offender at Quarter Sessions who insisted on being tried by a Red Judge? If another term of penal servitude was to be his lot, at least let him receive his sentence in style, and not at the hands of a gentleman in a black coat.

It must have been somewhere about 1878 that I tasted the somewhat uncanny experience of reading my own obituary in the newspapers. Was it not Lord Brougham who said that the mere thought of an obituary notice which he could not correct, lent a new terror to death? If so, I ought to have been

gratified with a chance which added a new pleasure to life—that of being able to prove my own existence. The mistake was a very natural one. A certain relative of mine, who had passed his life in soldiering, had lately been called to the Bar. His initials, with the addition of one letter, were the same as mine. Thus the editor of a Shropshire journal, seeing in the *Times* the announcement of the death of H. A. Chichele Plowden, Barrister at Law, not unnaturally assumed that it was the same barrister who diligently attended the Oxford Circuit, and he promptly inserted in his paper quite a pretty little notice of my life, which he headed "Death of a promising Barrister." I read it with a curious feeling of satisfaction, and was almost sorry to restore myself to life.

Notwithstanding the flatteries of the Shropshire editor, I had many an hour of despondency during these days both in the Temple and on Circuit. Progress was slow and fitful. Though briefs would come occasionally, anything like a steady, persistent flow seemed as far off as ever, and if it had not been for reporting, I should many a time have been inclined to throw up the game. Luckily, I was interested by legal proceedings even without taking any part in them. A good speech or a rattling piece of cross-examination always gave me pleasure to follow, and helped to revive the smouldering fires; and, above all, there were the criminal trials on Circuit, with their wonderful interest, ever proving how little human nature changeth, how the same

motives for crime continually repeat themselves, and how temptation finds its way into the most humble habitations.

Take the following as an example of what can be done under the influence of sheer cupidity, unmixed with any other consideration. It was a murder case tried at Gloucester under Mr. Justice Manisty, and the prisoner being without Counsel, the Judge asked me to undertake the defence. A firm of contractors, employing a number of hands, were in the habit of sending a boy to the Bank at Bristol every Saturday to draw the men's wages. It was not a very wise thing to do, however considered, for the sum of money required was large, and the boy was small to be entrusted with it; but no one could have foreseen that it would lead to the actual murder of the lad in broad day in the most brutal manner. The prisoner was a young man in regular employment, if I recollect aright, as an ostler. How long he had brooded over the idea of robbing the boy one cannot tell, but having made up his mind that it could only be done by killing him, he set about doing so with no more compunction than a butcher would feel in killing a pig, and, it must be added, without taking any precaution for his own safety. It was one of those cases where there is clear premeditation, but little intelligent thought or plan. The scheme of the prisoner was indeed as short-sighted as it was unimaginative. Having hired a trap from his stables he placed inside it a bill-hook, a very formidable

implement, and went out to meet the boy on his way from the Bank. Easily coaxing him into the trap with the promise of a lift, he drove down a quiet lane, and taking the lad unawares, killed him with the bill-hook, and, having possessed himself of his money, threw the body out into the road. A few hours afterwards he was apprehended in a neighbouring public-house, where he was swaggering about his money, and telling everybody that he was going to America.

It will be seen at once what a hopeless case this was to defend, nor was it made easier, as sometimes happens, by discovering something in the circumstances which helps to a feeling of sympathy with the prisoner. The murder was so selfish, so sordid, and so thoroughly inhuman, that the only feeling one had towards the prisoner was one of repulsion and disgust. Nevertheless, my duty was plain, to defend him as best I could. An acquittal was out of the question. Equally so was any hope of proving that the prisoner was insane. The only conceivable line was to try and discover some new fact outside the depositions, which might serve as a basis for an appeal to the jury to return a verdict of manslaughter. Possessed with this view, I obtained an order the evening before the trial to have an interview with the prisoner at the gaol. I might as well have stayed away for all the suggestions I obtained from the prisoner, which could be of the slightest value to his defence. He appeared callous and indifferent, and

met all my questionings with an utter absence of interest. Finally, in despair, I put what I meant to be the crucial question: "Do you think, after the lad fell in the road, the wheel may have passed over his head and so caused death?" I thought on this theory I might at least have something to say to the jury. But the prisoner was disappointing. He only shook his head, and I left him utterly baffled and defeated. The next morning the trial came on in due course, the fatal facts were swiftly proved, and I rose to address the jury. As I began with the usual formula, "May it please your Lordship, Gentlemen of the Jury," I felt a twitch at my gown, and, turning round, the prisoner, with a gleam of sudden intelligence, as if at last realising his danger, whispered to me eagerly, "Please, sir, you're right. That 'ere wheel did pass over his head." I was grateful, for it enabled me the better to discharge my duty; but nothing could save the prisoner's life. He was convicted and hung.

Another murder case comes into my recollection, tried also at Gloucester, before Mr. Justice Lopes. I was asked to defend, and I had the rare satisfaction to my own mind of obtaining what is not often looked for in a trial for murder—a clear acquittal. This case profoundly impressed me by its unutterable pathos; a distracted human soul, torn by conflicting emotions and struggling in vain with destiny—the sort of tale that would have moved the chorus to pity in a Greek tragedy.

The accused was a young woman leading an ordinary everyday life, with nothing against her but the one fall of her early womanhood; and yet it was the child of this lawless romance she was accused of having murdered. By her own confession she had wilfully taken its life by pushing it into a deep well close to the cottage where she lived. There was no other evidence against her of any kind. Was it true? and what had made her do it? were the questions raised by the case. Alas! she had herself explained the motive. A lover had found his way to her lonely cottage, a lover who was willing and anxious to marry her but for what he considered the incumbrance of her child. Hence the agony of mind which tore the poor woman in two. Either the child or the lover must go, whatever the love she might feel for either. There was no room in her little world for the double joys of wife and mother, which come to most women almost as their natural right and provide their highest happiness. One can imagine what the struggle must have been to a simple creature, humbly placed, without much education, and without the aid of those distractions in life which serve to divert the thoughts and still the uneasy prickings of temptation. If in the end the forces against which she had to contend proved too strong for her moral nature, it will be seen that the struggle was fierce and bitter. Let her speak for herself, almost in her own words. The prisoner was the first to mention the calamity that had befallen her child. Wringing her hands and weeping bitterly,

she told a neighbour, who was attracted by her sobs, that her poor child had fallen into the well. Later in the day, when the dead body had been recovered, the wretched woman, after a fresh outburst of grief, confessed to her mother that she herself had done it, and begged her mother to pray for her. She had wanted the child to fall in, and had given it apples to throw in, hoping in this way it might fall in, but to no purpose. The next day, in a calmer frame of mind, she adhered to this confession and told her relatives "she knew she would be hung, but she could bear it no longer. She had done it because she saw no other way of being happy with the man she loved." By this time the matter had become known to the police, and the prisoner, becoming frightened, made a long explanation, which was taken down, to the effect that the child had fallen in by accident. This statement she afterwards declared to be false, and again she repeated the story about the apples, and said she had thrown the child in. "Once before," she added, "I took the child to throw him in. I held him over the well, when my dear boy looked up and said, 'Don't put me in this dark hole, mamma.' I had not the heart to do it, and I took him back."

This was the whole story; there was no corroboration from any quarter. Which of the prisoner's statements was the true one? Was it her confession or its retractation? I pressed on the jury as well as I could the danger of a conviction under the cir-

cumstances, and reminding them of the old adage that truth lies at the bottom of the well, asked if it did not apply with striking force to the case they had to consider. They took an hour to consult together, and returned into Court with a verdict of "Not guilty." Nine of the twelve, I afterwards heard, were in favour of a conviction. The verdict was not popular. The excuses which pressed themselves on my mind were overlooked by an angry crowd, and the prisoner, as she left the Court, had to be protected by the police to escape their violence.

CHAPTER XV

REVIEWING the number of murder trials I have attended, and seeing how year by year they continue to afflict humanity, I sometimes wonder how it is in this humanitarian age, when the milder forms of punishment are often sharply criticised, that no voice is ever lifted against the comparative futility of capital punishment. Is it to be accepted that civilisation has spoken its last word, and that we are to go on hanging our murderers for evermore ?

One thing at least seems clear, that regarded as a deterrent, the death penalty, if it has not altogether failed, has certainly not succeeded in stamping out the crime of murder. Whether murders would be more common than they are if hanging were abolished, it is impossible to say, for the experiment has never been tried.

What *has* been tried is the abolition of capital punishment for a number of offences, chiefly against property, for which it used to be inflicted. These crimes have not increased since the death penalty was removed, and no one now recalls without a shudder that there should ever have been a time

in our history when death and nothing less was looked upon as the fit and proper punishment for crimes so trifling.

There does not seem any reason to apprehend that worse or different results would follow if we ceased to hang for murder, and if the services of that gruesome figure, the public executioner, were dispensed with altogether.

The apathy of the public is strange, and I believe it to be largely due to the fact that executions take place within the walls of the gaol. What is not paraded and forced on the public attention is apt to be disregarded. The hanging of a criminal is only known by the flutter of a black flag, and perhaps a paragraph in the newspaper. This, of course, is infinitely better than the horrid scenes that attended the publicity of former days. Nevertheless, I believe that if such a thing as a public execution could take place nowadays, it would excite such a feeling of repugnance and disgust throughout the country that the public would be content with nothing less than the total and instant abolition of capital punishment.

It must not be forgotten that as far back as 1866, nearly half a century ago, a powerful commission reported in favour of limiting executions to murderers of the first degree, and that a strong minority were of opinion that the time had come when the death penalty might be usefully abolished. These reforms still wait, and with all our boasted humanity we continue to lag behind countries who have

made the experiment for themselves, and are satisfied that it is not the fear of death, and never will be, which restrains the hand of the murderer.

But, it is commonly argued, even if capital punishment fails to deter, it remains the most fit and appropriate punishment, and satisfies as nothing else could do the public sense of justice. How can this be, if it is of the very essence of just punishment that it should be as fair and equal as possible in its incidence ?

Take a rough classification of murders by dividing them into two classes : those which are committed in the heat of passion, and those that are carefully premeditated—the jealous husband who stabs a man in a fit of fury, and a poisoner like " Chapman " who watches his victims slowly die of torture, without pity or remorse. In the first of these cases the act is too sudden to admit of any fear of death as a deterrent. In the second it has been taken into account from the first and disregarded. In the first case the man might escape with a verdict of manslaughter, but also he might not. He would be tried for murder and might be convicted of murder. Is it just that these two men, one of whom may not be a criminal at all, should meet with the same punishment—nothing more, nothing less, than death ?

Death is differently regarded by different natures. There is the coward who dies a thousand deaths in his life-time ; there is the brave man who feels no fear at any time. If a man determines on murder

and does not chance to be a coward (and was it not John Bright who said courage was the cheapest and most common of all commodities ?), such a man will not be deterred by any risk of capital punishment ; in fact, to certain adventurous natures the risk will have a positive fascination. There are so many chances of escape. The crime may never be discovered. The criminal may never be apprehended. The jury may disagree, or they may recommend to mercy, or even acquit ; and if the worst comes to the worst, what does it matter to a brave man, or to one of that vast class to whom it *would* matter if they could only think enough to imagine it—that callous class, neither brave nor timid, who eat and drink heartily up to the last minute, and allow themselves to be swung off without a thought of what death means, either here or hereafter ?

I am inclined to believe that the "would-be" murderers who are deterred by the consideration of capital punishment are only deterred because they are cowards, and that those who are not thus deterred, either because the crime is sudden or because they refuse to be deterred, are very unequally dealt with by capital punishment. In dealing out any other form of punishment, regard can be had to the particular circumstances of the case ; by which I do not mean only the circumstances under which the crime was committed, but to the health, the age, the sex, the temperament, &c., of the accused. No such considerations are allowed to count in a

conviction of murder except in very extreme instances. Old or young, weak or strong, male or female—the same irrevocable fate awaits them all. And what if a mistake should be made? Is human justice so infallible that no error is possible under any circumstances? I remember well a case on Circuit which it would not do to reproduce here, tried in the most patient, dispassionate way by a most able Judge, in which two men were convicted of a crime on evidence which, humanly considered, seemed absolutely convincing; and yet, luckily before they had suffered much punishment, new facts came to light which made it more convincing still that they were innocent men, and had been wrongly convicted. Such cases may be rare, but they are always liable to happen, and what would be said if such an "accident" happened in a trial for murder, and if to make it worse the unhappy prisoner should be a woman? And what of the doubtful cases? Cases on the line, where the verdict, even if right, does not carry with it the unanimous concurrence of the public. Take Mrs. Maybrick's case. If she deliberately and intentionally poisoned her husband, it is clear under our present law she was deserving of death; but many people, including among them great minds, are not satisfied that she intended murder. What would have been the effect on this class of opinion had Mrs. Maybrick been executed?

I have been led on by my pen into saying more

on this subject than I intended. It is almost an impertinence to put forth arguments which cannot hope to have about them anything of novelty on such a question as capital punishment. My excuse must be that the views I hold are of long standing. I am not good at dates, and I have no books of reference by me, but when I was a boy there were debates in Parliament on capital punishment, and my mind was swayed by the speeches of John Bright. Since then I may claim to have some experience of murder cases, and when I see the unconcern with which the murderer is allowed to swing, and compare it with the scrupulous nicety with which the smallest legal punishment in a Police Court is sometimes watched and criticised, I am impressed by the want of proportion. Do we not pay tithe of mint and anise and cummin, and omit the weightier matters of the law?

I am anxious it should not be supposed I am what is called a sentimentalist, still less a faddist. I recognise that there may be cases, extreme cases, where it may be wise, and even humane, to require the execution of a criminal, but to say that Society, with all its modern safeguards, must for its own protection in every case insist on a life for a life—a life in cold blood, for one which may have been taken in passion—seems to me to savour too much of vengeance, and to be nothing more or less than a relic of ancient barbarity.

If the question ever does come to be reconsidered

in Parliament, I hope a beginning may be made by abolishing the death sentence on women. To that extent I am a sentimentalist, and I am not ashamed of the feeling. With regard to any further modification of the law, I should like to see the experiment tried of preserving the death penalty as an alternative punishment on a conviction of murder; that is to say, I would give the Judge at the trial a discretion to pass sentence of death, if he thought fit, or such other sentence as the law might determine to be adequate; and I would reserve to the prisoner the right to appeal. I think the mere fact of an uncertain fate would cause the "would-be" murderer to hesitate. The coward would continue to fear death, the brave man would shrink from the terror of life-long imprisonment in a solitary cell.

It may be said that this would be to clothe the Judge with too great a responsibility, and that the inequality of the punishment would still survive, for while one Judge would always incline to imprisonment another would always incline to capital punishment; that there would be, in fact, the hanging Judge and the foolishly lenient Judge, and thus greater uncertainty than ever.

My personal experience of Judges forbids me to share these misgivings. The greater the responsibility, the greater the Judge. And after all, what would be the responsibility? At present a Judge has to pass sentence of death on convictions of

murder whether his mind goes with the verdict or not. He could not be required to do so much as this under such a reform as I propose, for obviously if he disagreed with the verdict he would take care not to pass sentence of death. If he thought the verdict right, he could do no more than he does at present, and it would be open to him to do less, and his inclination would almost certainly be in that direction. A "hanging Judge" is not to be imagined nowadays. Such a character is inconsistent with the qualifications of a modern Judge, and out of harmony with public sentiment. That some Judges are cast in sterner mould than others, is only to say that no two natures are alike; but the dominant note in the administration of the law is humanity, and any error of judgment on the part of a Judge is far more likely to be in the direction of leniency than in excess.

If the prisoner had, too, a right of appeal against sentence of death, as I think he should have, the most hesitating Judge would feel himself sufficiently protected, and the community at large would possess the strongest guarantee that capital punishment would only be inflicted under circumstances which almost absolutely shut out the possibility of any mistake or miscarriage of justice.

I have only indicated in these sentences, what I imagine would be the alternative form of punishment to hanging, viz., imprisonment for life, whether with or without solitary confinement. There is yet

another punishment, which, as I strongly advocate it, will at least show I am no sentimentalist. If the law allowed flogging, not only in cases of murder as an additional punishment, but wherever crime is the result of violence or can be traced to a cowardly spirit, I believe more would be done to check the spirit of dangerous crime than by any other means; and if at the other end of the scale drunkenness could be sensibly diminished, we might close half our prisons. I know how strong the sentiment is against the lash, but when I think of such a miscreant as the modern "Chapman" I cannot bring myself to believe that any one's feeling would have been much hurt had he been flogged before he was hanged; and I think it quite conceivable that had flogging been the law of the land, not one of those unhappy wives would have been poisoned.

Lastly, I believe that such a discretion as I would give to a Judge, would tend in the direction of sounder and saner verdicts. Under existing law, juries fly to a verdict of manslaughter as to an ark of refuge. Not infrequently such verdicts, though accepted with relief, are far from being strictly defensible, and could not have been returned at all except from a desire to save from capital punishment.

I remember defending a bargee and his wife for the murder of their child by a continual course of devilish ill-treatment. Death did not result till after many months, but the *post-mortem* examination

showed clearly enough that the child had died from the violence of its parents. On the other hand it was not suggested that the prisoners actually desired or contemplated the death of the child, and as they might not even have realised that their treatment of it was bound to end in death, the jury considered themselves justified in returning a verdict of manslaughter. If the crime had been called murder in the first or second degree, or if a discretion had lain with the Judge to hang or imprison, I believe the jury would have taken their courage in their hands and would not have hesitated to call the crime what it really was, undoubted murder.

CHAPTER XVI

I HAVE mentioned as a great stroke of good fortune in my life, being appointed Revising Barrister for Oxfordshire in 1882. The work connected with these appointments has to be performed in the early autumn, and cuts a big hole in the time-honoured long vacation; but is there any season of the year when it is otherwise than a joy to be at Oxford? Beautiful at all times, I am not sure that she is not at her very best in September, when the Virginian creeper turns day by day into deeper crimson and brings into vivid relief the grey turrets and battlements of the ancient city. And there is a peace and restfulness in Oxford in the Long Vacation which enters into your very soul, a state of mind and of feeling which you can only sigh for in vain in the noisy term time, when undergraduate swarms, with their boisterous modern note, occupy every nook and corner, and claim them for their own.

Up to the time of my becoming a Magistrate in 1888, I was in constant touch with Oxford, first as an undergraduate, then as barrister, and finally as Revising Barrister. Each of these periods had its

delights. We had four Fellows of All Souls, and very good fellows too, on the Oxford Circuit, and they used to dispense during the Assizes a most grateful hospitality within the walls of their splendid foundation. I was so frequent a guest that a Circuit wag suggested that All Souls should be called the Chichele Arms, which, after all, was only a delicate way of deploring the modern spirit of indifference to Founder's kin.

The duties of a Revising Barrister in their ordinary routine possess no peculiar fascination. They are apt indeed to be mechanical and dull, but as the result of the Reform Act of 1885, various questions arose in connection with the Parliamentary Franchise of more than passing interest.

One which was peculiar to the Universities was whether the Act in question conferred upon the undergraduates the right to be registered as Parlia mentary voters by virtue of the rooms they occupied in the Halls and Colleges; in more simple language, whether they were tenants of these rooms in a legal sense. In Oxford, this question raised a considerable flutter in the political dovecotes, for it was of course recognised that if it was the intention of Parliament to give undergraduates votes, the way they might choose to exercise the privilege must have a very determining effect on the city elections as they occurred. I held a long and interesting inquiry, evidence being taken as to the regulations of almost every College, in the hope of

showing differences of tenure which might secure the vote, if not for all the undergraduates, at all events for some. One after another the Head, or some leading tutor, was examined as to his particular College, and it was refreshing to me in the extreme to find myself by a turn of the wheel in a position of authority over these University dignitaries, who not so very long ago held me in utter subjection. One of the first witnesses, upon whom Time seemed to have set no seal, so little was he altered, was a Lincoln Don, who as proctor in my day was famous for his sleepless vigilance and a ferret-like power in tracking the sins of the undergraduates. I must say I felt a peculiar pleasure in putting a few questions to him in cross-examination.

At the close of the inquiry I gave an elaborate judgment, which means nothing more than that it was long and painstaking, against the undergraduate right to a vote. I resist the temptation to reproduce any of the passages here, though they would go far in filling the pages of this book, which is a temptation. My judgment was approved of in the profession, and many kind things were said to me about it, which, as coming from competent Judges, I valued highly.

In the summer of 1883 came to me that supreme moment in a man's life, which must either make or mar his future happiness. Happily for me there could be no shadow or shade of misgiving. There was not so much as a crevice through which dis-

appointment could creep, no space for the innumerable little risks that circle round so many matrimonial ventures. I had known my cousin Evelyn Foster from boyhood, and from the moment when she consented to share my precarious fortunes, I felt that whatever else Fate might have in store for me, I had at all events made sure, humanly speaking, of a life of domestic happiness. What was never a prophecy, but from the first a conviction, has received the amplest fulfilment, and each succeeding year I have had more and more cause to bless the recurrence of an anniversary which changed, infinitely for the better, the whole tenour and course of my life.

I was married at St. Michael's, Chester Square. One of my oldest Brasenose friends, the Rev. Erskine Knollys, now vicar of Folkestone, tied the knot, and was assisted by the Rev. T. H. R. Shand, also of Brasenose, whose presence on such an auspicious occasion afforded me the keenest pleasure.

Few men of his time, I imagine, were better known than my wife's father, General Sir Charles Foster; not so much as a gallant soldier, for gallant soldiers are never scarce, but in the Clubs and Society, where his singularly handsome presence, old-fashioned courtesy, and rare conversational charm secured him the widest popularity. Beginning his military career as a cornet in the 16th Lancers, he had the rare experience to engage at different times in three duels, of one of which it is related that he insisted

on receiving his adversary's fire seated, before discharging his own pistol in the air. But it was not only as a *beau sabreur* that he was distinguished. He was an admirable cavalry officer, and at the time when the purchase question was agitating the service, his deep and extensive knowledge of army matters brought him to the front as one of the foremost champions of a system which, though doomed to extinction, was not to disappear without a struggle. In the lobby of the House of Commons, where he was in constant attendance during the debates, and by his pen in the columns of the *Times*, Sir Charles fought the officers' battle with equal good temper and ability. So highly were his services considered that, after serving on an important military commission, he was chosen to succeed Sir Garnet Wolseley as Member of the Council of the Secretary of State for India. He was made a K.C.B., and, crowning honour of all, was appointed to the Colonelcy of his old regiment, a post which he held to the day of his death. To me he was simply the most admirable man I have ever known—more than a friend, much more than a relation. I regarded him with deep affection, and if I had had to write his epitaph I should have been tempted to steal the lines of the Australian poet :—

> "Life is mostly froth and bubble,
> Two things stand like stone :
> Kindness in another's trouble,
> Courage in your own."

Taking him all in all, I do not expect to see his like again.

Within a couple of years of my marriage, I received what was to me the most gratifying proof possible that I had made some little mark in my profession. I was invited to contest, as a Liberal Unionist, the Newport Division of Shropshire. I had always taken a keen interest in politics, and in some vague way had looked forward to a time when I might aspire to represent a constituency in Parliament; but I never dreamed the opportunity would come so soon or in so gratifying a shape. I had the double satisfaction of an invitation from Headquarters and from the Liberal Unionists of the Division, and to make matters more easy for me it was intimated that a munificent supporter of the cause was prepared to give a personal guarantee for the necessary expenses (£1,500) if I would consent to stand.

That I should have been obliged to decline such an offer was to me the greatest possible disappointment, but I had no choice. To put it in rather a base way, had I been sure of being beaten it might have been worldly wisdom to fight the seat, but what I could not afford to do was to run the risk of winning; and win, as a matter of fact, the candidate did who filled my place. I was too poor to fill with credit the position of a County Member, and thus, just as previously for want of a background of private means I dared not face the risk of taking silk, so now I was compelled to turn away

my eyes from a prize I had always coveted, and which might almost be said to be within my grasp. Verily I find it hard to say whether I love or hate money most.

But misfortunes, as we all know, never come singly; the same, I think, may be said of disappointments. I received a note one day from a Bencher of the Middle Temple, intimating that my name was about to be considered in connection with a vacancy that had occurred on the Bench. I may mention for the uninitiated that Benchers as a body consist of Judges and King's Counsel, with one or two places reserved for stuff gowns of senior standing. There was nothing in my practice at the Bar to justify my election; but it was under the auspices of my ancestor, Edmund Plowden, that the Middle Temple Hall was built, with the Parliament Chamber where the Benchers transact their business, and I have little doubt that it was for these sentimental reasons that my name was approved of. I was not elected, but I was given to understand that I had only been defeated by three votes.

The disappointment I felt at missing by so little an honour which, though unsought, was not on that account less valued, is fated, I fear, to be a lasting one. As a Police Magistrate I believe I have ceased to be eligible. There seems no place for a Police Magistrate within the hierarchy of his profession. I am not sure that he has any place in the profession

at all which can be exactly defined. It is certain he has no official status, and enjoys no precedence other than that of a Barrister-at-Law. He might almost be a legal fiction, like John Doe or Richard Roe, so difficult is it to classify him among the living. In the meantime, outside the precincts of the Temple and Lincoln's Inn, his worth and usefulness as a public servant seem to be more recognised every day; fresh and ever-increasing responsibilities are imposed upon him by the State, and in the eyes of the London poor he stands to many as the embodiment of Law and Justice.

Is it too much to hope that in a not very distant future a recognised place may be found for him in the ranks of his own profession, and that, without presumption, he may aspire, in common with every other barrister, to share in the government of his Inn?

CHAPTER XVII

I RECEIVED my appointment as a Police Magistrate in June, 1888—just fifteen years ago. I feel it is this period of my life—these fifteen years—to which the reader will look as a justification for these pages, and that if I fail to interest him here, I must prepare for a good deal of sharp criticism. And this notwithstanding my very earnest plea that I do not pretend to have anything to relate outside the experiences of a quite commonplace life.

And my difficulties as an author do not diminish. So far my memory has been my great help, aided by a few newspaper reports of Circuit cases, but I have now reached the stage when I am in the position of a man who has burnt his boats, who has gone too far to retreat, and whose only hope is that as he advances his difficulties may disappear. It is one of the disappointments of memory, that the less you require of it the less it responds. Reminiscences more or less inane cluster round the days of our childhood, and we remember clearly all sorts of little events, without interest or importance; but as we advance in years memory has a way of

closing gradually like a telescope, until finally, when called upon to clear up some quite recent occurrence, it turns sulky and shuts itself up with a snap.

This is how I feel with regard to the last fifteen years. And my dilemma is made worse by the fact that I have no Police Court notes, and that I have endeavoured, on principle, to forget each day and put out of sight the cases that have come before me. Indeed, paradoxical as it may sound, I should feel more hopeful of having something entertaining to say had these important years been spent anywhere in the wide world rather than a London Police Court.

The vacancy I was called on to fill was occasioned by the retirement of Mr. Mansfield, who had administered justice for many years at Marlborough Street. In my ignorance I imagined that I should be appointed to the Court where the vacancy occurred, and as Marlborough Street is one of the favourite Courts I congratulated myself on my good fortune; but I was quickly undeceived.

It is usual when a vacancy occurs at a particular Court to give the refusal to the Senior Magistrate, who may wish for a transfer. No rule could be fairer, for whereas one Magistrate is presumably as competent as another, neither more nor less, there are Courts which by reason of their situation, and other considerations, are more in request than others. Generally speaking, the West End of London is preferable to the East.

Occasionally a Magistrate has been known to cling with limpet-like attachment to the Court of his first appointment, regardless of where it may be, for no other reason than that Fate has planted him there; but unambitious natures like these are rare.

The average Magistrate has his preferences, and is glad to seize gratefully the first opportunity that offers of a transfer to the Court of his choice, and it is very seldom that in the long run he is disappointed.

The upshot of these remarks is that in the shiftings which followed Mr. Mansfield's retirement I found myself appointed to Wandsworth, where there was very little work to do, the Court being most inconveniently situated, and possessing at the same time very indifferent accommodation for the public.

Wandsworth has since been demolished. The district has been rearranged, and a new Court, commodious and popular, with the title of the "South Western," has been erected in a central situation on Lavender Hill, close to Clapham Junction.

It may be convenient here to explain a little generally the constitution of the Police Courts, and how they came into their present shape.

The first requirement of a Police Court is that it should be a court of preliminary inquiry. Courts for this purpose have existed in some form or other

for centuries, but it was not until the early years of Queen Victoria that an Act was passed, known as Jervis's Act, which settled the procedure with regard to accused persons on principles of simple justice.

Previously, from the sixteenth century downwards, a Justice of the Peace was more a Public Prosecutor than a Judge of First Instance. As in France at the present day, guilt was assumed, and it was the duty of the Justice of the Peace before whom an accused person was haled to extract from him by means of questions damaging answers which might add to the prejudice against him which already existed, and if these damaging answers could be twisted into a confession, of course so much the better.

Jervis's Act changed all this. A prisoner can now be asked no questions at all, and no evidence is taken behind his back. The witnesses are examined in his presence, and he can cross-examine them if he like. The answers are taken down in writing by the Clerk of the Court, and form the depositions which are signed by the Magistrate and the witnesses, and the prisoner has a right to a copy of them if he pleases. After the witnesses have been examined, the prisoner is "cautioned" by the Magistrate.

He is asked if he wishes to say anything to the charge. He is not obliged to say anything, but he is advised that anything he does choose to say will

be taken down in writing, and may be given in evidence against him at the trial.

If he has no witnesses to call, and does not care to give evidence on oath, he is then committed for trial.

This is the procedure of the present day. It would pass the wit of man to devise anything which could be fairer to an accused person.

It is at the same time all so simple and so thoroughly English, according to modern ideas, that it seems difficult to understand why it should have taken so many centuries to bring it to its present shape. People talk glibly of an elementary sense of justice, as if some such feeling was rooted in the mind of man, whereas in fact it has taken generations of bitter experience and no little injustice to convince mankind of the absolute right of every one to be presumed innocent until guilt is proved, and to see that he is tried by methods which shut out all suspicion of unfairness, and leave him without a shadow of ground for complaint.

The work of emancipation from tyranny and prejudice has been slow and gradual. Even Jervis's Act could not be said to complete it. The prolonged and auspicious reign of Queen Victoria had reached the point of expiry before accused persons were placed on a level with their accusers and allowed to give evidence on oath of their innocence. Nor was even this, which I should venture to call "elementary," right conceded by

the Legislature without much eloquent and indignant protesting by legal experts. The columns of the *Times* were invaded with ingenious arguments to show how much better off a prisoner was who held his tongue than one who was foolish enough to proclaim his innocence and challenge cross-examination. Many lawyers were drawn into the controversy, and I remember the relief it was to myself as one of the combatants to air my views in the *Times*, even though it exposed me to the thunders of my friend Sir Herbert Stephen, who of all others was perhaps the most pronounced and active opponent of the proposed reform.

But if there has been this great and gradual improvement in the criminal law, the change has not been less marked in the temper and standard of the Magistrates who have had to administer it as compared with their predecessors in the eighteenth century. A well-known Bow Street runner of the name of Townsend gave evidence before a Committee in 1815 with regard to what he described as the "trading Justices"—there was Justice This and Justice That. Justice Walsh, in Litchfield Street, was a great man in those days, and old Justice Hyde, and Justice Girdler, and Justice Blackborough, a trading Justice at Clerkenwell Green. The plan would be to issue out warrants and take up all the poor devils in the street, and then there was the bailing of them—2s. 4d.—which the Magistrates had, and taking up a hundred girls, that would make at 2s. 4d.

£11 13s. 4d. They sent none to gaol, the bailing them was so much better."

Throughout a great part of the eighteenth century the business of Magistrates in London, outside the city, was carried on by officials who were paid almost entirely by fees. A very notable person, Henry Fielding the novelist, was a Magistrate in those days, and has left an interesting record of his experience in that capacity. "By composing instead of inflaming the quarrels of Porters and Beggars (which I blush when I say has not been universally practised), and by refusing to take a shilling from a man who most undoubtedly would not have had another left, I reduced an income of about £500 a year of the dirtiest money on earth to little more than £300, a considerable portion of which remained with my Clerk, and, indeed, if the whole had done so, as it ought, he would be but ill paid for sitting almost sixteen hours in the twenty-four in the most unwholesome, as well as nauseous, air in the universe, and which hath in his case corrupted a good constitution without contaminating his morals."

In a footnote to the above, Fielding observes: "A predecessor of mine used to boast that he made £1,000 a year out of his office, but how he did this, if he did, is to me a secret. His Clerk, now mine, told me I had more business than he had ever known there: I am sure I had as much as any man could do. The truth is, the fees are so very low, when any

are due, and so much is done for nothing, that if a single Justice of the Peace had business enough to employ twenty Clerks, neither he nor they would get much from their labour. The public will not, therefore, think I betray a secret when I inform them that I received from the Government a yearly Pension out of the Public Service Money."

These scandals—the bribery—more than hinted at by Fielding, and the revelations of the Bow Street runner, led to the Statute of 32 Geo. 3, c. 53, which authorised the establishment of seven public offices in Middlesex and one in Surrey, to each of which three Justices were attached, with salaries of £400 per annum. The success which attended this experiment led to a gradual increase in the numbers, salaries, and jurisdiction of the Magistrates, the result of existing legislation being that the King has power to establish in the Metropolitan district thirteen Police Courts with any number of Magistrates up to twenty-seven.

The thirteen Police Courts exist, but of Magistrates there are but twenty-five, notwithstanding the great increase of population. Each of them is a Justice of the Peace for Middlesex, Surrey, Kent, Essex, and Hertfordshire, and the Chief Magistrate is a J.P. for Berkshire as well. They no longer receive the "dirtiest money in the world," nor do they "pass sixteen hours in the twenty-four in the most nauseous air in the universe."

On the other hand, great names, like Fielding,

are not likely to recur among them, although there is good ground for believing that Thackeray would have been well content at one period of his life to tread in the footsteps of his distinguished predecessor and add lustre to the Metropolitan Bench had the Fates been propitious.

CHAPTER XVIII

THE Police Courts of the present day, exclusive of Bow Street, where the Chief Magistrate is assisted by two colleagues, are twelve in number, and they are divided into two groups or divisions, each consisting of six Courts, served by twenty-two Magistrates, one Court in each division being provided with only a single Magistrate.

Originally, as the Courts were created, it was an essential feature in the scheme that each Court should be provided with two Magistrates, for the obvious reason that as the Police Courts are required to be kept open every day in the year except Good Friday and Christmas Day, there must be a Magistrate in reserve in case of accident or temporary sickness.

Two Magistrates was the minimum by which each Court could be worked.

As, however, the population increased, additional Courts became necessary, and in 1888 two new Courts were created, the "South Western" and the "North London," each of them being the centre of a large and populous district.

There was a natural expectation that these new Courts, like the old ones, would each be provided

with two Magistrates; but for reasons of State, which I refer to with the highest respect, it was determined to try the experiment—and it was acknowledged to be no more—of working the new Courts with half the strength which had hitherto been considered as no more than barely sufficient. It was thought, by slightly increasing the distribution of sittings among the whole body of Magistrates, that the new Courts might be worked with one Magistrate apiece without any diminution of general efficiency.

This experiment may be said to be still in progress. There is ground at all events for the hope that it is not to be considered as concluded. It is no secret that the Magistrates have been unanimously opposed to the experiment from the first. They have seen its risks, and been in a position to point out its disadvantages, not to themselves but to the public.

The experiment really hangs on the simultaneous enjoyment of good health by twenty-five more or less elderly men. If two or three were disabled at one and the same time, more especially during what is called the vacation period, when the normal working strength is necessarily reduced, a breakdown must be the result. As against this there is the fact that for something like fifteen years, while the experiment has been in progress, no such breakdown has occurred, and the likelihood of anything of the kind taking place may be regarded as somewhat remote.

But what has chiefly weighed with the Magistrates, apart from the chance of any sudden collapse, is the inconvenience caused to the public by the undermanning of any one of the Police Courts.

As one Magistrate by himself is insufficient for a Court, he has to be assisted by Courts which have two Magistrates, and as it is impossible for any one of these to give all the assistance required, the necessary help has to be distributed over several Courts, each of which sends a Magistrate in turn to give the required aid.

The inevitable effect of this is to disturb the regular and even flow of justice at its very source. It cannot be to the advantage or the convenience of the public that a case begun by one Magistrate should be continued by a second and concluded by a third. In civil cases, it can easily be understood how vexatious such a course must be to the parties concerned, their counsel, and their witnesses. In criminal cases, it is open to even stronger objection. An accused person may reasonably object that the question of his committal should not be at the mercy of different minds. He has a right to ask not only that there should be no undue delay in completing the inquiry, but that the same Magistrate should hear the evidence from the beginning to the end, and not, as may happen at present, that the committing or convicting Magistrate, as the case may be, should be only one of others who have

heard the case by instalments, and perhaps very little of it himself, first hand.

These considerations have been pointed out by more than one Magistrate from the Bench. In 1892 they were made the subject of inquiry by a Departmental Committee, appointed by the Home Office, and so impressed was this Committee with the urgency of the matter that they recommended that two additional Magistrates should be appointed without delay.

Nevertheless, no step has been taken to give effect to their recommendations. It is believed that the difficulty is one of economy—the reluctance to provide, unless absolutely necessary, the additional salaries which would be required. And so the experiment still remains open. The machine if it reels, and even totters at times, runs much as it did before, and there has been no breakdown and perhaps never will be. At the same time one cannot help being reminded of Bret Harte's poem, in which a stage driver describes the furious progress of a coach which, losing first one wheel and then another, contrives to maintain its pace down the Geiger grade until the last wheel disappears at the bottom of the hill, and the vehicle sinks in a heap. *Absit Omen!*

CHAPTER XIX

I WAS not long at Wandsworth before I had the opportunity of being transferred to Hammersmith, or as it is now called "West London." Why it should be called West London is not very clear, for it is by no means the only Court in the Western district. It seems a pity that the nomenclature of the Courts should not rest on some definite plan. Tastes will always differ as to what is euphonious, but simplicity and clearness of description can hardly be said to have been achieved by such loosely fitting titles as South Western and West London applied to Courts really situate in Battersea and Hammersmith.

West London is one of the busiest Courts, and no Court is more in favour with applicants for Magisterial advice. Though no longer attached to the Court myself, I have to sit there occasionally, and I am always impressed by the long line of people, chiefly women, waiting to air their grievances. Why they should attend in such numbers I cannot say. Possibly they have more leisure on their hands than in the busier quarters of London; and possibly, also, the exceptional patience and urbanity of the

regular Magistrates of the Court may have something to say for it.

I have a vivid recollection of West London in connection with an escape I had from a very unusual risk. Risks, of course, vary in kind and degree. Prisoners have been known to hurl their boots, or anything handy, at the Magistrate's head, and at Marylebone the Chief Clerk once had a narrow escape from being shot by a bullet passing through his chair. Luckily he had just vacated it for the moment. A prisoner was being tried for carrying a loaded revolver when drunk, and as the weapon was being examined by the Magistrate, who naturally believed the charge to have been drawn, it suddenly went off. What would have happened had the Magistrate inadvertently slain his Clerk one does not like to contemplate. It really would have been a most hideous occurrence.

The peril to which I was exposed was very different, but hardly less rare. If a young woman's written confession is to be trusted, she had it in serious contemplation to assault me on the Bench by giving me a kiss in presence of the whole Court. Needless to state, I was quite unaware of the danger that threatened me, and the temptation, in my humble opinion, was quite insufficient to excuse her. This is how it arose.

Four lads were placed in the dock, charged with shop-lifting. Before the case was reached I had noticed, almost without noticing, a young woman

at the back of the Court, neatly dressed, who seemed to be following the cases with rather unusual interest.

The lads were remanded in the usual course for inquiries, and the following week, having regard to the circumstances generally, I was able to discharge them with no more punishment than a serious admonition. The young woman was again present, watchful as before, and seemed much relieved when the boys were forgiven. A few days afterwards I found addressed to me at the Court a large brown paper parcel, inside of which was an open letter lying on the top of some well-executed pencil drawings.

Reading the letter rapidly for an explanation, my eye fell on the following passage, as near as I can remember. It may seem conceited to reproduce it, but I cannot tell the story without doing so.

"And now, dear Tom, I must tell you all about poor dear Horace and the Police Court. I attended both days and made a careful study of the Magistrate. He was clearly a gentleman, well educated, possessing a nervous temperament, and with a keen sense of humour. My heart beat when Horace and his companions came up the second day, and you may imagine what I felt when they were let off without punishment. As for the Magistrate, he spoke so kindly to Horace that it was all I could do not to rush on the Bench and give him a good kiss—*the same as I give you, dear Tom—but you need not be jealous, for I didn't do it.*"

When I had read thus far the situation began to

dawn upon me, and I realised that while the drawings were probably intended for me, as a present from Horace's grateful sister, the letter was meant for some one who stood far higher in her affections.

I sent drawings and letter back, and received an answer from the writer full of apologies for the unhappy mistake. It was as I thought—my letter had gone to Tom, and Tom's letter had come to me. I never heard anything more of the young woman. I can only hope she has married Tom, and is as happy as such a warm-hearted, impulsive creature deserves to be.

From West London I was moved, by my own request, to Marylebone, and there I have been for the last ten years. Marylebone covers a very large district, and the work is considerable. I doubt if there is any Court in London which exceeds it. I am sure there is no Court which offers a greater variety of cases or of human character. All classes are to be found in Marylebone, from the highest to the lowest, the richest to the poorest. And it is wonderful how in one way or the other representative specimens find their way into the Police Court. And those who have been there never forget it.

I cannot say how often in private life I have met people, previously unknown to me, who have reminded me that they have seen me before—at Marylebone—either as suitors or witnesses, and occasionally as defendants. And it is an anxious moment with me to know whether I came out of the ordeal to

their satisfaction or not. Really, when I think sometimes of the thousands of people whom I offend in some kind of way, in the course of a year, by small fines or admonitions, I wonder whether I can have any friends left. One of my colleagues I remember expressing the same sentiment much better. He told me he was so glad his holiday was approaching, for he was fairly weary of scolding.

But to inflict punishment is only one feature of a Magistrate's work. It is balanced by other duties less painful, which bring compensation.

As "legum ministri" Police Magistrates are charged with the duty of interpreting a great body of Statutes, which are constantly being added to, as fresh Acts receive the sanction of Parliament, but it is not so much in this branch of work or in the routine work of hearing cases that I conceive the really steadying responsibility of a Magistrate to lie.

To appreciate evidence, to grasp the point of a case, and to be able to apply the necessary law are qualities to be looked for almost as matter of course in any barrister of reasonable training and experience.

Outside these routine duties lie the exercise of two functions which impose on a Magistrate his highest responsibility.

1. It is for the Magistrate to hold the balance equal between the police and the public, to take care on the one hand that the police do not abuse their authority under the law, and at the same time to make it clear

to the public that any attempt on their part to interfere with a constable in the exercise of his duty will be rigorously punished. A very large proportion of charges in a Police Court are police prosecutions.

In a sense there is a perpetual conflict going on in the streets between the police and that portion of the public who are disposed to infringe the law in one direction or another, if they can do so without detection. Sometimes the police are in the wrong, more often by far the individuals whom they accuse.

A Magistrate seems to me to be never so much on his trial as when he has to decide cases where there is a conflict of testimony in a police prosecution. There are no cases which arouse a stronger feeling, none in which it is more desirable to the public interest that the Magistrate should manifest an open mind. The responsibility is great. It would tend to general insecurity if the police grew slack in the discharge of their duties because they could not count on sufficient support from the Magistrate. It would certainly not less be a public danger if the public learned to take it as a matter of course that the oath of a private individual was never to be taken against that of a police constable.

When one considers how small the police force is, in relation to the population, and how seldom they are seriously interfered with, the happy relations that may be said to subsist between the police and the populace as a whole may fairly be said to be due to

some extent to the influence of the Police Courts, to the confidence which is felt in the impartiality of the law, and the certainty that it will incline all its weight equally to protect the police or the public without regard to any other consideration than the actual merits of the matter in dispute.

2. In a country where trial by jury is held in almost superstitious esteem, and regarded as the very ark of our liberties, it is a highly significant fact that a Police Court is the only tribunal known to the law in which, subject to certain conditions, is vested the power of deciding questions of fact which affect the liberty of the subject.

Not the Lord Chief Justice nor any of his puisnes can try a man on the simplest charge of larceny, without leaving the question of his guilt to be decided by a jury.

In a Police Court, week by week, dozens of thieves and pickpockets are in fact convicted by the Magistrate on his sole responsibility. It is true that in no case can he so act without the consent of the accused, and that the value of the stolen goods must not exceed 40s. But the gratifying fact remains that an overwhelming proportion of those who are thus accused prefer that their cases should be dealt with summarily rather than that they should be sent for trial. A natural desire to know the worst and know it quickly may account for some of this feeling, but the overruling consideration I believe to be that confidence in the justice and impartiality of the Magis-

trates, which they share with His Majesty's Judges, and which is the proudest and most satisfying boast of every Englishman.

I sometimes think in view of this confidence, which is so strikingly shown, that it would be a wise and judicious step to revise and enlarge the jurisdiction of Police Magistrates.

Anomalies are of the very essence of the British Constitution and are entitled to be regarded with a certain respect, but an anomaly which gives to the Court of Quarter Sessions an appellate jurisdiction over the London Police Courts is so opposed to what may be called the natural order of things as to be almost brilliantly perverse.

Whatever the defects of Police Magistrates may be—and they are not less liable to err than other people—they are at least trained lawyers. Whatever the merits of the Justices of the Peace who attend Quarter Sessions may be, with the exception of the Chairman and Vice-Chairman, it is not required of any one of them that he should have seen a law book in his life. And yet it is to a tribunal so composed that aggrieved persons may appeal to rectify the errors of the Police Court. I have no figures of the number of cases that are decided on appeal from the Police Courts in the course of a twelvemonth. I do not believe them to be numerous, and I have not the slightest wish to suggest that they are not dealt with with admirable patience and desire to do right, but it does not seem to me possible to get over the flaw of

want of legal training and experience—a want which nothing else can supply, and which must in the nature of things detract from the value of the most carefully considered decisions. Moreover, there are temptations which may well prove on occasions too strong for minds untutored in law.

There is the temptation to think that the appeal would not be made without good cause, and the purely human temptation that any one man feels, to prove if he can that another is wrong. To agree with another mind seems often tame and unsatisfactory. To overrule it gives a conscious sense of superiority.

There must always be a danger lest considerations like these may press too hardly on amateur minds and dispose them, without any conscious bias, to indulge in the greater luxury of reversing or modifying a decision rather than confirming it. And, lastly, there is the difficulty common to any appellate Court, that the witnesses no longer testify with the same freshness as in the Court below. Not only has their memory suffered, but often their interest in the case has gone with it, and their manner and demeanour, from being earnest and suggestive, has disappeared in indifference.

I hope I have said nothing in these remarks to wound the tenderest susceptibilities. The criticisms that have occurred to me aim at nothing more than the supreme importance of securing that every appeal from a Criminal Court should be decided by

superior minds legally trained, and as little open as possible to extraneous considerations.

So far as Police Courts are concerned, I should like to see the responsibility of Magistrates increased, and their jurisdiction enlarged up to the limits of a Court of Quarter Sessions, subject, of course, in every case to the right of the accused to be tried by a jury. Having regard to the general indifference to trial by a jury which obtains in a Police Court, it would be interesting to note, among other things, the point at which confidence in the Magistrate ends, and gives place to the desire to leave the verdict in the hands of a jury. Appeals from a Police Court should go to the King's Bench, or, if this would be to add too much to the existing labours of the Judges, I do not see why a Court should not be formed of the Chief Magistrate and two of his fellow-Magistrates, who might, on the model of the old Exchequer Chamber, review in turn the decisions of their colleagues.

Another reform which may be said to be in the air, since the division of the Metropolis into separate municipalities, is the desirability of concentrating under one roof all magisterial work, whether done by Stipendiaries or by the unpaid Justices. At present the public, who cannot be supposed to appreciate the distinction that exists between the two sets of Justices, are often in a state of bewilderment as to the tribunal before which they are summoned or may wish to seek redress. In Marylebone, for instance, they do not always know whether they should go to

the Police Court, or to the lesser temple of the unpaid, in Marylebone Lane. If both Courts were under the same roof, and the duties of each were defined once for all, it would tend greatly to simplify the administration of justice, and put an end to the perplexity which at present exists.

While I hold the view that a Court of Summary Jurisdiction could be strengthened and improved by a judicious increase of its jurisdiction, I entertain an equally strong opinion that it could be relieved with advantage of a considerable quantity of work which hardly comes within the dignity of any legal tribunal, and could be equally well disposed of by a bench of unpaid Justices.

It would be overloading the subject were I, in pages which aim at lightness more than solidity, to enumerate the different subjects which might usefully be so delegated. Nor indeed is it necessary, for the matter has been under consideration by a Departmental Committee, and recommendations have been made with, I believe, little or no difference of opinion.

I content myself with expressing an earnest personal hope that if any changes do take place, School Board cases may be among the first to be withdrawn from the cognisance of the Police Courts. I am unable to discover a single reason of weight why these cases should be intruded upon the consideration of what should be a purely legal tribunal. It has been suggested that the poor have greater confidence in the Police Magistrate than they would have

in any other tribunal—that they look to him for kind and sympathetic treatment, for a more personal interest in their troubles than they would get from any one else. I believe suggestions of this sort to be pure imagination, and that the poor would find in many Justices of the Peace quite as much sympathy and patience as they could hope for from a Police Magistrate. A Police Court is an unsatisfactory tribunal, from the fact that the ordinary machinery for detecting the truth cannot be applied. There is no cross-examination in the proper sense of the word.

Virtually there are only two points which a Magistrate is called upon to decide—(1) whether the parent has a reasonable excuse for not sending his child to school, and (2) where an attendance order has been disobeyed, whether it is the fault of the parent or the child.

The great majority of the cases come under the first of these heads, and they nearly all resolve themselves into a question of fact, whether the child has been prevented from going to school by genuine ill-health. Sometimes a doctor's certificate helps to clear the matter. Very often it is not forthcoming, and then the Magistrate has to make up his mind, without assistance from witnesses, how far an anxious mother is speaking the truth when she rattles off glibly a number of ailments to account for her child's absence from school. School Board cases are the only cases where I feel I have to *guess* at the truth, where I have nothing to take hold of or to reassure me that I have

arrived at the right conclusion. Moreover, it seems to me very much like a clear waste of time to refer to a legal mind hundreds of cases, involving no law whatever, and which would be just as well and better tried by gentlemen who take an interest in the subject of education, and are admirably qualified, and anxious as well, to take a larger share than at present falls to them in the administration of elementary justice.

I think I have already in an earlier chapter said a word on what I feel strongly would add to the dignity of the magisterial office. I mean the use of some external badge to signify his position.

It is almost of the essence of justice that it should at least look wise, and never has anything been better designed for this purpose than a judicial wig. There is no face so wise to look upon, that it may not be made to look wiser still in the framing of a wig. As his sword is to an officer, or his gaiters to a Bishop, so is the wig to a Judge.

I do not believe the importance of outward symbols in dress can be exaggerated. What, for example, would become of the moral influence of a police constable over a London crowd without his blue coat and helmet ? What, indeed, would become of society at large if all distinctions of dress were abolished. It could only end in general confusion. I hope I may live to see the day when I am ordered to resume my wig !

CHAPTER XX

IF I have carried the reader at all with me in the desultory criticisms I have made on a Magistrate's duties, perhaps he will bear with me a little longer if I touch on certain principles, which for my own guidance I have endeavoured to follow on the Bench.

One of these is to cultivate humility, by which I mean no more than to keep constantly in mind the fact that it is nothing but accident which distinguishes me from the man I have to judge, and which determines our relative positions. Had circumstances been different, our positions might have been reversed. Man for man, the prisoner standing before me is probably neither better nor worse than myself. It cannot be denied that we are all largely creatures of circumstance. I remember the truth bitterly expressed by a political opponent of the late Mr. Gladstone. "Nothing," he observed to me, "but an Eton education and a combination of happy circumstances had kept the Prime Minister out of a criminal Court. Notwithstanding the beauty of his face, there was a Mephistophelian

wickedness in it which of itself was sufficient to secure him three months."

There was of course in this the malicious exaggeration which one finds at times in the earnest politician, but the elemental truth was there, that accident has much to say to our careers. Where is the man in the whole world, saint or sinner, who would not steal a loaf of bread if he were starving, and if he thought he could steal it without detection ?—opportunity would make him a thief.

I believe, therefore, without carrying the feeling too far, and being odiously humble, that the more human a Magistrate can be the better, and that if punishment has to be inflicted it should not be made needlessly bitter by an arrogant tone or the assumption of a moral superiority.

There is another principle which I am in constant dread of forgetting, viz., never to allow yourself to be prejudiced against a prisoner by reason of his personal appearance being, in your view, unprepossessing. I am convinced there is nothing more dangerous. It is difficult to see a face for the first time without rapidly drawing from it some inference, favourable or unfavourable; but I am sure in a court of law any such instinct should be jealously watched. Nothing can mislead like the human countenance. Behind the features of a saint may lurk the hypocrisy of a scoundrel, and a face which you feel sure must be that of a confirmed criminal may really be the index of a most innocent mind.

It would be unreasonable, however, to turn your eyes away altogether. Indeed, it is not possible to do it. You cannot watch a face too closely provided you can trust yourself not to be led away by too hasty inferences. Much of the interest of my work I feel to lie in a close scrutiny of the human countenance, whether in the dock or the witness box. I make a mental note if a prisoner has abnormal ears. They are often significant. And if I am doubtful about a witness speaking the truth I direct my attention to his mouth and to his hands. The mouth is perhaps the most expressive feature, and the hands of a liar are seldom at rest; but where I often think much is to be learned from a witness is *after* he has given his evidence and left the box. I continue to watch him as he sits unsuspectingly in his place in the Court, while other witnesses, especially those that are opposed to him, are examined. The expressions that pass over his face on these occasions are often very instructive.

Perhaps there is nothing more difficult in the whole range of a Magistrate's duties than to satisfy his own conscience of the justice of his sentences. The many thousands of people he has to punish in one way or another, and the distinctions, often microscopic, which he has to draw between one offence and another, demand the most scrupulous care and nicety of adjustment.

Take such a very simple matter as a charge of drunkenness. If half a crown is a sufficient penalty,

it is clearly oppressive to make the fine five shillings, and though the difference between the two may not seem of much consequence, yet, in fact, the one is just double the other, and to a very poor person the difference may be very considerable. Do what you will, nothing will get rid of the feeling that your sentences may be too light or too heavy. The law only helps by providing a margin. Within that margin your discretion is unfettered, and the only criterion to guide you is your own sense of what is fair and just.

The whole question of criminal punishment, notwithstanding the profound consideration it has received since the days of Howard, remains beset with difficulties, and it may be that the time is approaching when the ideas that have so long prevailed may have to give way to others radically different, and more in harmony with modern thought.

We have long passed the stage when it was observed of the laws of England that they were written in blood, and when the Statute Book bristled with capital felonies. Leniency, ever-increasing leniency, has been the tendency for generations, until we have almost reached the extreme, when the Law may be said to have lost its terrors. Capital punishment still survives, but to mention flogging requires some courage, and prison discipline is so modified and chastened that it even tempts to crime. It is by no means an infrequent occurrence for some destitute wayfarer to break a lamp or a plate-glass window

for the express purpose of being locked up, and it is more frequent still for workhouse casuals to kick at their tasks in order that they may be brought before a Magistrate, and be condemned by him to the lesser labour and superior dietary of Brixton Prison.

We seem, indeed, to have reached a point where our prison system halts between the barbarities of the past and the enlightened methods that prevail in certain American penitentiaries.

It is not enough to imprison where we used to hang, and to make imprisonment less and less oppressive. It seems certain that the question will have to be considered whether definite terms of imprisonment may not be usefully superseded by a system which aims at moral regeneration rather than punishment, and that endeavours to secure it by indeterminate terms of confinement.

This I understand to be the system pursued at Elmira and Concord in the United States. What statistics may have to say as to its success I know not. Perhaps sufficient time has not elapsed to form a positive judgment, but the idea is captivating and marches more with modern theories of an ideal community, than anything that seems to have been hitherto attempted.

One of the everyday difficulties that beset the judicial mind is how far previous convictions should be allowed to count against a prisoner in measuring out his sentence. If A deserves six months for picking a pocket, does he deserve more than six if

he repeats the offence on coming out of prison? And if yes, is he to be punished *pro rata* each successive time that he attempts to steal? To my mind this is a most difficult problem. If you never increase the punishment, it seems confessed that the law is powerless. If, on the other hand, you do increase it, in an ever-ascending scale, the punishment has a vindictive look, and may have much to do besides in hardening the prisoner and making of him a more bitter enemy to society.

Another consideration is, that however often a prisoner may have been convicted, he may never have done anything very heinous. It is a curious feature of some criminal minds that their imagination never travels beyond the temptation, whatever it may be, that first assailed them and proved too much for their virtue. A man who has been convicted of stealing an umbrella or a watch, will go on stealing umbrellas or watches without anything else tempting him in the least. It seems rather terrible to think that a man who has stolen a dozen different umbrellas on a dozen different occasions—the whole value being perhaps £5—must undergo years of penal servitude merely because every previous conviction has to count. Quite recently I have had such a man before me. His mania—for that seems the right word for it—was to steal something, however worthless, from a public-house. A stray article in the bar of a public-house had for him a greater temptation than the contents of a jeweller's

shop. At all events that was his record. Take the article, whatever it might be, to the window of the "public" and drop it in the street and the temptation would end.' Lock it in any room of the house and the prisoner would break the door to get at it. This is, in fact, what he had done, for he was charged with burglary as well as larceny.

Another view of punishment which is differently regarded by different minds, is, as to whether in sentencing a man to imprisonment, perhaps for the first time, the punishment should be not only exemplary but deterrent.

Everybody is familiar with the story of the prisoner who was sentenced to death in the good old days for sheep stealing. Being asked in the usual way whether he had anything to say why sentence of death should not be passed, the prisoner sensibly observed, "I have only this to say, my Lord, that it seems rather hard I should lose my life merely for stealing a sheep."

"Prisoner at the bar," replied the Judge, "pray understand. You are not going to be hung for stealing a sheep. You are to be hung in order that others may be deterred from stealing sheep."

This theory of vicarious punishment, traceable, I imagine, to Christianity, however just and right it may appear to a Judge, in the interests of society, can hardly appear quite so satisfactory to the unhappy person to whom it is applied. The sheep-stealer no doubt expressed with admirable force and

brevity the convictions (I use the word in its non-technical sense) of his class. "Let me be punished for what I have done, but do not add to my punishment in order that others may be saved from doing as I have done. There can be no justice in that." I can imagine many a prisoner thinking this, whatever the nature of his offence may be. He may be right, or the Judge may be right, but it would almost be better to be wrong with the prisoner than right with the Judge. The view of the one is more human than that of the other, and it is of the first importance, besides, that a prisoner should appreciate the reasoning of his sentence. If he fails to understand this, what chance is there of the sentence itself making of him a better man? Still another consideration, which, though it cannot affect the infliction of punishment, undoubtedly adds to its sadness. Not only has our system of punishment too much an air of vengeance about it, but there is a degradation in having served a sentence of imprisonment which tells against a man more strongly than the crime which sent him to prison. Imprisonment is never expiation. Too often, indeed, the real punishment of the man begins not when he goes to prison but when he leaves it. The theft, or whatever the crime may be, might be excused and forgotten, but the fact of imprisonment seldom or never. It is this, perhaps, more than any other consideration, which stays the hand of the magistrate, and makes him cast about for any alternative that,

consistently with justice, will relieve him from the necessity of sending a man for the first time to prison.

It is comforting to think that there are agencies and societies at work which make it their purpose to overcome this prejudice by finding occupation for discharged prisoners, but suspicion of a gaol is deep-seated in human nature, and it seems hopeless to expect that it will ever be completely eradicated, though here again a leaf might be usefully borrowed from the American system.

In the Penitentiary of Elmira offenders, I believe, are called inmates, not prisoners, and no inmate is suffered to go free until a situation has been found for him outside, adapted to his abilities and the training he has received during his period of confinement. In a world where sentiment counts for so much, the mere change of the word " prisoner " to " inmate," might serve to turn the scale in many a case, and bring the much-coveted work to its desperate seeker.

I was much struck when I became a Magistrate by the importance to a prisoner of every additional week or day in a sentence of imprisonment. At the Bar one was so accustomed to hearing heavy sentences pronounced for serious crimes that a punishment of six months sounded quite light and insignificant, but in a Police Court six months is practically the longest term you can give. As a " maximum " it looms very big, and I seldom inflict it without a feeling that I

may have been too severe, and that the very stones of the Court will rise and call me tyrant.

But however leniently inclined a Magistrate may be, he has to walk very warily to avoid accusation of over severity. We live in a highly humanitarian age, when the public conscience, while quite easy about hanging, gets very restless at times over small punishments, and kicks at the very mention of prison where a fine might suffice.

The popular idea of a Magistrate's duties with regard to punishment I imagine to be that having satisfied himself of the guilt of the accused, all he has to do is to send him to prison for a greater or less period without further ado.

Far from it. No sooner is the trial of the prisoner concluded than that of the Magistrate begins. To settle the guilt or innocence of a prisoner is comparatively simple; to settle how to deal with him afterwards is much more difficult. Speaking for myself, I find myself confronted with a number of considerations which compel me to show cause to myself why I should send the guilty prisoner before me to prison. His offence may be that he has stolen a watch. I have to ask myself whether it is his first offence, what may be his age and what his antecedents. If the answer to these is not entirely favourable, I have still to satisfy myself as to the length and nature of his imprisonment, whether he should have hard labour and have his hair cropped, or whether he should be allowed to grow it, and receive

visits from his friends—in other words, whether prison should be to him a place of suffering, or merely a temporary retreat, with an almost imperceptible taint of disgrace.

Sometimes, to add to the difficulty, the thief will belong to a rank of life which makes it clear that he was under no necessity to steal. Then an eloquent appeal is sure to be made to you. What is called kleptomania will ring in your ears, and you will ask yourself anxiously whether justice really requires that so harmless a person should be torn for a day from the society, of which in his more lucid moments, he is a distinguished ornament.

But the difficulties become greater still if the culprit happens to be a boy just below the age of what the Law calls "a young person." The number of expedients that may be had recourse to short of imprisonment press on the mind of the Magistrate with bewildering force. Shall he remand for further inquiries? Shall he require the parent to become surety for the boy's behaviour? Or, if the boy is young enough, shall he order a birching, or content himself with giving him a severe admonition? And all the time that he is weighing these alternatives the Magistrate is conscious of being watched by the Police Court Missionary and the School Board Officer, each of whom looks upon the lad as his lawful prey to be sent either to a home or an industrial school, or perhaps a reformatory.

Have I not said enough to show the difficulties of

steering a proper course in the matter of punishments, and the danger of deciding too quickly even in a Court of Summary Jurisdiction, where it is of the very essence that the proceedings should be marked with promptitude and despatch?

CHAPTER XXI

NO Magistrate can refer to his work on the Bench without gratefully recalling how much his responsibility is lightened by the assistance he receives in many an anxious case from that latest product of Christianity—the Police Court Missionary.

One of these Missionaries is attached to each of the Police Courts. He is there as an officer of the Church of England Diocesan Temperance Society to win whom he can to the cause of Temperance, to find homes for the outcast, and generally to break the fall, as far as is possible, of those who have lapsed for the first time into the category of criminal offenders. It is impossible to value too highly this moral influence working side by side with the operation of the law and mitigating the rigours of its decrees. There is hardly a week, or even a day, when a Magistrate is not glad to have recourse to the Missionary. Every facility is granted to him to interview prisoners on remand, to investigate their history, to reason with them on their vices, to persuade them to enter homes, or to accept work, and in numberless cases, through the good effect produced by these interviews, the Magistrate is enabled to stay the punishment which

otherwise he would have been bound to inflict, and to accept in its place the bail of the Missionary for the good behaviour of the accused.

Everybody will admit that this is most useful work, and it is performed, as far as I have been able to judge, in the most ungrudging spirit, and with commendable zeal.

Nor is it only with the drunkard or the wrongdoer that the Missionary is concerned.

In every Police Court there is a Poor Box, representing a considerable sum of money, which is annually supplied from wealthy and charitable sources. The disposal of these monies is placed at the absolute discretion of the Magistrate, and it requires not a little care and discrimination to see that they are employed to the best advantage and without waste. The Missionary is a useful ally to the Magistrate in these matters, not only in sifting the circumstances of doubtful cases, but in advising generally on the best means of rendering assistance.

There is yet another point which deserves attention. In foreign fields of labour Missionaries have been known to impair their usefulness by occasionally blazing with too much zeal. In the ardent work of securing converts, they are apt at times to be a little unmindful of other people's prejudices and even to show a want of ordinary tact and discretion. No such charge could ever be laid at the door of a Police Court Missionary. There is no unnecessary fire about him—no fanaticism. Though his orthodoxy is un-

questionable he is never bigoted. He works in any vineyard where he may be wanted, and is welcomed for his aid by every denomination.

The Church of England Diocesan Temperance Association has a very active and zealous Secretary in the Rev. J. Law, and one form which his zeal takes is to be always arranging Temperance meetings where the hat can go round to further the efforts of the Police Court Missionaries.

I have often been asked to attend at these meetings. I am not a teetotaler, and cannot grow eloquent over Temperance, but having regard to the great help I have so often received from the Missionary at my Court, I have never declined an invitation to speak. I am afraid I have not always been the success I could have wished.

I remember one evening when, with a laudable desire to be on good terms with my audience, I confided to them that I had braced myself for the occasion by a glass of champagne at dinner. I thought I might risk such a confession without much danger, but I had not sufficiently taken into account the earnest convictions of a total abstainer. Something like a shiver went through the ranks, and little dry coughs of disapproval marked the displeasure of the ladies.

This was one of my earliest experiences.

On another occasion—a much more important one—the late Archbishop of Canterbury was in the chair. He opened the proceedings with one of his

fervent Temperance speeches, in the course of which he explained how it was that he came to be a total abstainer. In his early youth at Oxford he had enjoyed a glass of wine as much as any one, but when in after years he saw the misery occasioned by drink he felt there was no chance of battling with it successfully unless he took the pledge himself, and showed that he practised as well as preached.

I had to follow his Grace, and not wishing to appear under false pretences, I thought it right to say at once that I was not a teetotaler. I then perhaps went a little too far in praise of moderation, for a gentleman seated near me, sprang to his legs and angrily denounced me and my views. It was a surprise to me, for I did not know that teetotalers could be so easily excited. I soothed him as well as I could by explaining that after all I was only in the same stage now, as the Archbishop in his undergraduate days, and that I was still young. And he was good enough to let me finish what I had to say without further interruption.

A year or two later I had a much happier experience. The present Bishop of London presided, and he was supported, as might be expected, by a large following of faithful clergy. It was a solemn occasion. There was, in fact, an atmosphere of piety and peace, such as I imagine is only to be found in the Church House, or during the gentle debates of Convocation. I had to make the first speech, and I determined to stifle every disposition to levity, but as

I proceeded and watched the serious faces in front of me, the temptation to indulge in a little dramatic surprise proved irresistible.

"After all," I said, "it is natural to wish for rest and refreshment after a day's work—I am often glad myself after a busy day in Court to look in at the Club and have a chat and a glass of——;" then hastily correcting myself before the fatal word slipped out, I added, "I beg your pardon, I mean a cup of tea."

This little joke was far more successful than I had dared to hope, from what one of the audience told me afterwards.

A sturdy abstainer was overjoyed that I should have betrayed myself. "Now he has put his foot in it!" he exclaimed with delight. "Don't you believe it," said a woman who was sitting next to him. "I know him better. It is only his little fun."

But I was not the only speaker who succeeded in drawing one of the audience. A cleric who spoke afterwards quite startled me by his passionate defence of moderation. He fairly pelted the audience with scriptural texts to support his view, by no means with unanimous assent.

At last, when he came to the miracle at Cana, an old lady in one of the front seats could stand it no longer.

Rising to her place, she shouted at the speaker—"Yes, but the wine was unfermented."

CHAPTER XXII

NOTHING has impressed me more as a Magistrate than the absence of serious crime in London compared with my recollections of Circuit. An average day at Marylebone will show something like seventy or eighty cases of one sort or another, but they are mostly trifling. Of course, a huge city is in a sense its own protection, and crimes against the person are more rare than in quiet country places, but the murders and burglaries that figured so freely in the Circuit Calendars also seem comparatively fewer, nor is the Londoner who tries his hand at burglary or housebreaking usually speaking a very formidable person. There is nothing of the Bill Sykes about them, neither the physique nor the animal ferocity.

It may sound a paradox, but nothing is so restful to me as a case which is likely to last some hours. What tires in a Police Court are the little cases which chase each other in rapid succession, very often for hours at a stretch. Each of them requires attention, for each of them demands a decision; and the smaller, the more microscopical, the point, the more difficult very often it is to decide.

Take, for instance, a conflict of evidence as to whether or not an omnibus was delayed on its journey a full two minutes. It is not easy to feel a warm interest in such an issue, and yet to the constable on the one hand and the omnibus driver and conductor on the other it is far from unimportant. Imagine a list of cases of this description. You do not feel the fatigue of them at the moment, but when you leave off after a long day and perhaps a hot one, you realise that you have been working, and are in need of rest. You are tired of talking, tired of listening, tired of watching. It is very much the sort of weariness that some people experience after a long visit to the Academy and looking at a great number of pictures. Each picture interests you for the moment, but you must get it clean out of your mind if you wish to enjoy the next. I have been told the Japanese are so sensible of this that a rich man keeps his pictures out of sight, and has them brought up one at a time, for the delectation of himself and his friends.

Another thing which helps to tire in a Police Court is the presence of what I may call the foreign element —cases which call for the services of an interpreter.

This means that everything that a witness states in the witness-box has to be interpreted to the accused, and it of course throws on the Magistrate the duty, so far as lies in his power, of seeing that the interpreter faithfully conveys the true meaning and effect of what the witness has sworn.

Marlborough Street is the Court of all others where these cases are most frequent. Situate in the vicinity of Soho, and almost within a stone's-throw of Leicester Square, it trenches on that quarter which has long been recognised as the Alsatia of the enterprising alien. Probably there is no quarter in London which entails on the police a more troublesome and exacting vigilance. Hardly a day passes without a foreigner appearing in the dock at Marlborough Street—French, German, or Italian, to say nothing of other nationalities. Many of these undesirables belong to the very dregs of humanity. They seem to create a criminal atmosphere of their own, in which happily the Englishman seldom finds a place. The latter can be rough and brutal enough, but it does not seem to be in his nature to possess the vicious imagination and despicable qualities which distinguish the worst of these aliens. The difference is one for much national complacency.

But it is not always the worst cases that give the most trouble. Street misunderstandings are a fruitful source of anxiety. Often when drunkenness is alleged the constable is the only witness, and it is but fair to say that, speaking generally, his diagnosis is seldom at fault. One drunken Englishman is very like another, and much practice in dealing with them tends to make perfect. But it is different where foreigners are concerned. Their natural volubility of speech and free gesticulation are puzzling symptoms to a young constable, and his difficulties are not

lessened by the inability to understand the excuses which are poured forth in fluent French or German. To the constable's mind such undue excitement can only mean what it might very easily mean in an Englishman—a state of intoxication; and so he promptly takes his victim or victims into custody and marches them off to the station.

The investigation at the Police Court the following morning is not an easy matter, and the greatest care has to be exercised to see that the true distinction has not been overlooked and that no injustice is done.

It is a strange reflection, and one that has often occurred to me, that in an English Court of Justice, in the heart of the Metropolis, so much of the work should be concerned not with Englishmen at all, but with foreigners, and that an interpreter should be as much a necessity as the Magistrate himself; but in truth, nothing is surprising in this wonderful London of ours. London is not only the capital of the Empire, it is the very kernel of the civilised world—the refuge and meeting-house for all sorts and conditions of men gathered from every quarter of the globe.

The divisions of London which are served by the different Police Courts reflect striking differences of nationality as well as of character and conduct. Marylebone, for instance, is little more than a mile from Marlborough Street, but it is far enough to be almost quite clear of the alien element. It is very seldom that an interpreter is wanted at Marylebone. Going eastward from Marlborough Street, within a

mile or so is Worship Street, the focus of a district which might be the Jewish quarter of a Russian or Polish city. The interpreter here is perhaps even more in request than at Marlborough Street, but it is Yiddish, not French or German, which he is mostly required to explain. Certainly, if the dream of the Israelite is fulfilled, and the future Zion boasts a Police Court, it is not easy to see how it will differ very much from the Police Court at Worship Street. And so one might go on, noting the peculiarities of Stepney, and Southwark, and Lambeth. North and south, east and west, the same and yet how different —full of changing life and colour—different races, different faiths, different habits, but all alike in this: that they bow before the impartiality of the Law and believe in the integrity of English justice.

I remember one day at Marlborough Street a little incident happening, which created for the moment considerable embarrassment.

A Hindoo was placed in the dock, charged with some trifling misbehaviour in the street. He was unable to understand English, and neither of the interpreters present had any knowledge of Hindostanee. Matters were reduced to a deadlock, when there suddenly came back to my memory a little Hindostanee word of one syllable, which I used to hear in my nursery days. The word—I am not sure how to spell it—was "Jau," and it signifies "Go away," "Begone."

I thought I might try the effect of this word, but I

was hardly prepared for the result, for almost before I had pronounced it, the Hindoo, with a little cry of relief, had sprung past the gaoler and was gone. The effect on the bystanders was hardly less electrical, and the astonishment was more than shared by both the interpreters, not unmixed perhaps with a little envy of what an unknown language could effect.

There is one respect in which the work of a Police Court involves a greater strain than is found in any other Court. In the higher Courts a Judge, whether trying a cause or a prisoner, is not required as a rule to do more than listen patiently to the two sides of the question, as they are presented to him by Counsel. His mind is thus gently and quietly prepared for the decision which he has ultimately to pronounce. The judicial calm of the atmosphere is seldom disturbed. In a Police Court it is very different. The rights of the parties are the same, but in the great majority of cases there are no counsel or solicitors to explain them. This duty is cast on the Magistrate, and a very trying duty it is.

It is of the very essence of an English inquiry that the witnesses should not go un-cross-examined. The truth may be complete without this process, but it is infinitely more satisfactory that what passes for truth should be probed and tested. It is surprising how few of those whose reputation is at the mercy of the witness-box, appreciate the importance of cross-examination, how few of them can be made to understand it. The word "Question" seems to throw

them off their balance. They take it as a signal to talk to the witness, as and how they please. He has had his say, why should not they have theirs? And when the Magistrate interposes, and tries to explain, they usually regard it as meaning that they are to address him and not the witness, and they begin afresh with a voluble description of their wrongs.

The result of it all is, that the Magistrate has to take the witness in hand himself, and put the questions which the prisoner is unable to put for himself. There is no other way of getting at the truth, but it means at the end of the day that the Magistrate has played many parts. He has examined and cross-examined numerous witnesses. He has investigated, as well as decided; and though this double tide of work is not without its interest, there is a certain feeling of relief when he shuts the book over the last case and is able to congratulate himself that his nerves and temper have fairly stood the strain, and has survived the work of what has been a trying day in more senses than one.

I cannot bring this chapter to an end without paying a tribute of admiration to the strong fellow-feeling, in times of misfortune, which prevails among the extreme poor—a fellow-feeling which is by no means confined to barren sympathy, but which takes the practical shape of pecuniary assistance.

The English poor are not supposed to appreciate thrift, as it is appreciated by the French. Perhaps

it is for this very reason that they are so generous to each other and so open-handed. Anyhow, there is the fact that most fines are paid, and that if the sum proves too much for the delinquent, there is nearly always in the background a mother, or a sister, or a friend, purse in hand, ready to come to the rescue. I think this speaks volumes for the human nature of what is too often carelessly dismissed as the "seamy side" of society. And if thrift is unknown, so also is the spirit of money-grubbing.

I have seen rich men lose a few pounds over a game at bridge and take it far more to heart than many a poor man shows in paying a fine of 10s. or 20s.

Another thing which is noticeable is the curious stolidity of prisoners generally. It is very seldom that any one of them defends himself with any spirit, unless he happens to be Irish. Then indeed the contrast between the Saxon and the Celt becomes apparent. The Irishman nearly always has something to say—generally a good deal, and not infrequently spiced with humour. I confess to feeling very tender towards some of these Irishmen. They almost make me feel I am in the wrong to punish them—they are so gay under adversity, and they contribute so much to lessen the general gloom of a Police Court.

CHAPTER XXIII

FOLLOWING close in the wake of the Divorce Court, with its pitiful statistics of broken married lives, the Police Courts bear constant witness to the strain of the conjugal tie among the poorer classes.

There are, of course, no divorces granted in a Police Court, but judicial separations, which are obtainable for a variety of reasons, are frequently applied for.

The causes of matrimonial dissension among the poor differ from those among the rich in this, that if there is more cruelty there is less infidelity—at least very few wives who attend before me complain of the unfaithfulness of their husbands, and I do not think this silence on their part is to be accounted for simply because they know they cannot obtain a divorce.

There is, I imagine, less temptation to go wrong among the very poor. Their lives are differently ordered. There is less leisure, less opportunity. Husband and wife are more dependent on each other, and there is, of course, less of that indolent luxury and ease, which helps to enervate the human will, and weaken its power of self-restraint.

The loveless marriages in society, of which we hear so much—marriages of pure *convenance*, with the shadow of the co-respondent already darkening the future, have no counterpart in the lower ranks of life. There is, therefore, not the same tendency—one might almost say the same impatience—for husband and wife to drift apart. The danger lies the other way. With the London poor, it is the constant juxtaposition under trying conditions, which so severely strains their human nature. I remember years ago a shrewd remark which was made to me by a lady. "It is all very well," she said, "for husband and wife to have charming dispositions, similar tastes, plenty of money, and so on; but unless they agree on questions of climate, what then? If one of them, for instance, cannot live with a window open, and the other insists that it must never be shut, the peace of the home is severely threatened."

And there is truth in this; for, as experience teaches, it is the little things of life, and not the big which worry us most. Well, imagine the homes of the very poor—a couple of poky rooms at the best, ugly and unsatisfying, and packed, perhaps, with squalling children. The window, open or shut, becomes of vital importance; and there is, besides, the close and constant companionship day after day, with little or no change of scene or circumstance beyond the public-house. What wonder if disputes arise, and that these should end sometimes in kicks and blows.

It would really seem to come to this, that in married life, as in most things, safety is found in a middle course. For husband and wife to see too much or too little of each other may be equally fatal. To see too little, may lead to unfaithfulness, to see too much may lead to cruelty.

The cases of cruelty that find their way into a Police Court are very, very frequent, and the patience of wives as a rule admirable and heroic. It is wonderful how many black eyes they will put up with, before they make up their minds to complain; and when at last they are driven to seek the protection of the Law, there is, generally speaking, much more than a spark of pity left for their husbands. They extenuate all that they can. This pity, of course, is not always purely for the husband's sake. It is a serious thing that the breadwinner should be sent to gaol; but I am convinced that behind this naturally anxious thought for herself and children, there is a singular absence of any vindictive desire on the part of the wife to see the husband punished, merely that he may be punished. When a woman complains of the brutality of her husband, all that she generally wants is that the brutality should cease. It has reached a point beyond which she can no longer endure it. She gives her evidence in the witness-box with visible reluctance, under the sternest sense of necessity. But let the same woman appear a week after with a complaint against a woman for some trifling assault, and the change of tone is remarkable. Her voice becomes

shrill, and her tone pitiless. She speaks with passion, and is answered with equal passion from the dock. The two women would like to fly at each other if they could. There is very seldom any sign of forgiveness.

With men it is not so. Passion with them generally dies out with the fight, and after-resentment is less deep. And of those who assault their wives, as often as not, there is nothing to show that they are otherwise than peaceable men, averse from quarrelling and fighting; nor are they always, speaking quite strictly, cruel husbands: I mean in the sense that they wish to hurt their wives for the sake of hurting them. Very often a man is driven mad by the nagging of his wife's tongue. He stands it until he can stand it no longer—and then out flies the fist, and the wife is stretched on the floor. Very often a man looks upon his wife as a fit subject for a kick or a blow whenever she fails to rise to the full height of her domestic duties, and unless the dose is repeated too often, I am not sure that the husband sinks much in the estimation of his wife for taking this view of their relative positions.

In the dim days of the past, when the institution of marriage was gradually emerging from its lower forms, the savage who fancied the woman of another tribe for his wife would show his preference by knocking her down with a club and making her captive. Something of the same spirit still survives in the rougher strata of our advanced civilisation. The only difference is that the blows are given after, rather

than before, marriage. The sense of ownership still survives. With the wife it makes little or no difference. It is a privilege to be a wife at all. It satisfies the law of her being, to feel that she is under the care and protection of a man, and so long as she has this protection she is willing to pay the price in undergoing a certain measure of physical suffering at his hands. I think there is proof of this to a certain extent in the popularity of marriage as an institution, notwithstanding all its risks and uncertainties. It is felt that the protection of even a cruel husband with the sanction of the Law behind it, is better worth having than the fitful protection which is all that a woman gets by living with a man to whom she is not married. I do not know that a woman in the back streets of London suffers much in her moral reputation because she prefers the looser position of a mistress to that of a wife. She is generally spoken of as a wife, the same as if she were married, but there must be always present to her mind the reflection that her partner may desert her any day, and that her children will lie all their lives under the ban of illegitimacy. This last consideration weighs more than one would think.

The sting that lies in the word "bastard" among the poor is very real. It is reserved for the most angry occasions, it is used as the most bitter reproach, and is the *fons et origo* of many a violent quarrel. Of all words it seems the most provocative, and the fact that it is so strongly resented is a proof of

itself of the store that is set on the institution of marriage.

It must be understood that, in making these remarks, I am looking at things as they appear to me in a Police Court. I have not studied the subject from any other point of view. I merely note the fact that more married women by far complain of their husband's cruelty than women who are not married. I have no idea what the proportion of the one set of women may be to the other, but I see no reason to believe that because a woman is not lawfully married, the man she lives with is either more or less cruel to her than if he were her husband. I imagine that human nature is much the same in both cases, and that the happiness or misery of a home depends on the mutual good sense of those who have decided to live together, whether lawfully married or not.

Of course I do not lose sight of the fact that the woman who has chosen to make her home with a man to whom she is not married, has not the same inducement to take him before a Magistrate as her more conventional sister. If she complains of cruel treatment it is not with any idea of obtaining a separation. That is for her to take as she pleases and when she pleases, without going into a Court at all; and it may be, therefore, that for this reason she is more patient and uncomplaining. There is no alimony to count on, and for her children's sake a cruel father may be better than none. But with every allowance for this and other considerations, I think

there is good ground to infer, from the number of wives that complain in a Police Court, that marriage, black eyes notwithstanding, is a popular institution with both sexes, and more in request than unions which have neither the sanction of the Law nor the blessing of the Church.

Recent legislation has done much to bring relief to unhappy wives who suffer from the misconduct of their husbands, and within the last twelve months it has taken a notable step by recognising that a husband, not less than a wife, is entitled to demand a separation when he has just cause to complain of habitual intemperance.

From the earliest times the Common Law has been merciful and humane to married women.

In certain felonies and misdemeanours, by a lively legal fiction, they have been excused from punishment, on the assumption that they have acted under the coercion of their husbands—a tenderness on the part of the Law which is attended by many inconsistencies.

In 1882 the Married Woman's Property Act was passed, which threw a shield over a married woman's separate estate, and secured to her the same rights for prosecuting a husband in a Criminal Court as a husband had against her; and now, by the most recent Act on the subject, a wife can go to a Police Court and obtain a judicial separation, with alimony, for any one of the following reasons:—Desertion—aggravated assault—persistent cruelty—wilful neglect to maintain—habitual drinking.

These causes would seem to cover the whole ground of possible difference between man and wife, except incompatibility of temper and lunacy.

With regard to the first of these, it seems wiser to leave it to be endured in patience, or disposed of by a deed of separation. It is so common and fruitful a cause of disturbance that I am afraid if it were allowed to form a ground for a separation, the necessity for more Courts and Magistrates would have to be seriously considered, and the noble institution of matrimony would become so tattered and torn from innumerable rents as to be scarcely recognisable.

As to lunacy, wherever this exists and is pronounced to be incurable, it would seem that nothing less than a divorce would suffice to give the degree of relief which the circumstances require.

Wives, therefore, of the present day are very largely protected by the Law against their erring husbands, and with a little smoothing down of certain difficulties which still exist, every reasonable ground for redress would appear to be satisfied.

For some reason which is not very clear, the right which a wife has to sue for a separation on the ground of (*a*) persistent cruelty and (*b*) wilful neglect to maintain, is saddled with a condition that she must first have left her husband on account of such cruelty or neglect before she can obtain a summons from a Magistrate. I imagine the idea to be that only in this way can she show that she is in earnest in the view she takes of her husband's misconduct.

I don't know what other reason there can be—but whatever may have been in the mind of the Legislature, the condition imposed would appear to be harsh and superfluous. To tell a wife that she must leave her home before the Law will listen to her, is to tell her something which is not easy for her to understand, and is often very difficult to accomplish. Where is she to go with her children when she leaves her home for this purpose? She cannot count upon being taken in by friends or relatives, and her own means, especially if it is a case of neglecting to maintain, are hardly likely to be sufficient to admit of her finding shelter anywhere.

I venture to think it would be a wise improvement of the Law if this irritating condition precedent were dispensed with, and separations were granted simply on the proved fact that there has been either persistent cruelty or neglect to maintain.

There is another little bar at present existing which helps to close the door against the wife getting the full value of the Law's protection. It is a common occurrence for husbands and wives when they fall out to separate by mutual consent, and to have a deed drawn up by which the husband undertakes to make a certain allowance to the wife.

This is all very well when such agreements have been well considered and are faithfully observed, but too often it is a mere ruse on the part of the husband. He has no intention of keeping up the payments, and sometimes he disappears from the scene

altogether and the wife is left in the lurch. What is the wife to do when her husband fails her? All she can do is to enforce the agreement in a Civil Court, but this takes time and money. It would be better by far if there was some mode of registering these agreements in a Police Court, and of enforcing them, by an order of a Magistrate, when required, just as is done by orders made in Bastardy, &c. With regard to the relief which husbands can now obtain where their wives are habitual drunkards, it is too soon as yet to express any opinion of the value of such a concession. What is certain is that it seemed to be imperatively called for, judging by the numerous complaints which are made by husbands in the Police Courts of ruined homes owing to the drunkenness of their wives. The legal definition of an habitual drunkard is very exacting, and the difficulty of satisfying this definition may deter some husbands from attempting it; but with every difficulty allowed for, it seems impossible to doubt that the provision must do ultimate good. The mere fact that a husband has such a weapon in reserve is calculated to have a restraining effect on a wife's intemperance. A home means very much to a woman, and to be cast adrift on a small allowance, or find a refuge in an Inebriate Home, is a choice of alternatives either of which is enough to have a very sobering effect on a sensible woman. When you realise that the sword of Damocles is hanging over your head, you are not likely to let it drop if you can help it.

Before quitting this subject of husband and wife,

with its transcendent human interest, I cannot help observing that I have often found myself wishing in the course of my duties that Magistrates were clothed with the power to grant divorces, as well as judicial separations.

These latter are only in the nature of compromises, and often fall short of the full measure of relief which the circumstances demand, and which is not less deserved than ardently desired.

To stretch a chain is something, but it is not the same thing as to break it. And there must be many and many a matrimonial link which galls and chafes so cruelly that to sever it in twain effectively and once for all offers the only hope of happiness.

The Divorce Court can hardly be said to meet the troubles of the poor in this respect. It is mostly inaccessible by reason of its cost. On the lowest scale an undefended suit will cost thirty guineas, and, if defended, not less than seventy-five. These are formidable figures for many people outside the very poor.

It is true that so far as these last are concerned the Law makes generous provision for those who care to sue *in formâ pauperis*, but paupers in the nature of things are not exactly the class to whom matrimony appeals; and, besides, there are legal formalities to be complied with, before the Law will help, quite sufficient to frighten them away.

What is wanted is a simpler, cheaper remedy—it cannot easily be too simple or too cheap—and in the

not too distant future, though I express the hope with fear and trembling, a reconsideration of the grounds on which divorces may be granted by which they may be placed on a broader and more logical basis than at present exists.

I believe if jurisdiction were extended to the Police Courts it would be a wise, popular, and beneficial step, and one which the poor would regard as a great boon. After all, divorce being the law of the land, it cannot be said that the poor have less claim to have their matrimonial troubles appeased than those whose lot is cast in more prosperous circumstances.

As to the fitness of Police Magistrates to deal with such cases, it seems sufficient to say that infidelity as an issue should not be more inscrutable than the questions of fact which determine a judicial separation.

With regard to the far larger question of amending the grounds for divorce, whatever may be the objections to such a course, it can hardly be contended that the existing condition of things is wholly satisfactory. I say nothing of what some consider to be the transparent unfairness which puts the husband who seeks relief in such a much better position than his wife. What presses on the minds of some people who recognise the propriety of granting divorces is the unwisdom of limiting relief practically to cases of infidelity.

To tell a wretched married couple leading a cat-and-dog life, with no particular blame on either side,

that the Law won't help them unless one or the other is secretly unfaithful, is really almost an invitation to sin.

The Law should take a wider and more charitable view of human nature; and in every case where a marriage, after reasonable trial, has proved to be *unbearable*, be the cause what it may, it should be ready with a Bill of Divorcement.

Those who know human nature best will not agree that a concession of this kind is likely to be abused or too greedily taken advantage of. You do not make marriage less, but more, popular and respected by providing an open door for escape.

There is no one who is not the happier for being happily married. That is a status from which no one would wish to escape. To make divorce easy is not on that account to make it an object of mad desire. Looked at in its true light, it *must* be recognised as being nothing else than a security against disappointments in married life, which with all the care in the world cannot always be foreseen, and which, if left without a remedy, may carry with them fearful consequences of misery and sin.

CHAPTER XXIV

I THINK I have travelled now over most of the serious features of a Police Court, and it is time I should say something of particular cases that I remember for their humour or their pathos, or for some distinguishing feature which separates them from the ordinary run. Humour of course sparkles only very rarely and in a fitful way in a Police Court. In the nature of things it cannot be encouraged in such surroundings—*Religio loci vetat.* At the same time it cannot be altogether suppressed, and occasions will arise from time to time when laughter seizes a Court and overpowers the most stubborn resistance. There are critics who are hard on these occasions, but they fail to discriminate. Nobody would approve a general disposition to turn everything into laughter, but wit which is spontaneous and in good taste lightens the gloom of a Court without detracting from its dignity. I came across a definition of wit the other day which would indeed almost make it a necessity for the ends of justice: "Wit is brushwood, judgment timber; the one gives the greatest flame, the other yields the durablest heat; and both meeting make the best fire."

It is said there are some people who have no sense of humour. I am slow to believe it. I think it true that the less a man has the more severe he is on his neighbour who has more; but to say that a man has no humour at all, that never under any circumstances is he impressed by a sense of the incongruous, is to think too unkindly of Providence.

One of the happiest things about humour is that it soars above all the ordinary misfortunes and trials of life. You never know when it may not break through the clouds like a sunbeam. A great prison authority has put it on record that he never despairs of any criminal leaving gaol who has shown a sense of humour. I wonder whether he would be equally hopeful of the Magistrates who send the criminals to the gaol. I do think he might be to this extent, that it is difficult to conceive of a Judge being hard-hearted who has a sense of the humorous.

A Magistrate or a Judge is apt to be very unfairly misjudged when laughter breaks out in his Court. People do not sufficiently recognise that the outbreak may be so sudden and spontaneous that it cannot be checked before it has of itself died away; and these outbreaks, very often with a nervous element in them, will occur on the most serious occasion.

As an instance of what I mean, let me refer to the recent trial of the man Dougal for murder, at the Chelmsford Assizes. That, if any, was a serious

judicial occasion, when every one's natural inclination would be to be grave and composed ; and yet, if newspapers are to be trusted, an early witness in the case was so unconsciously droll as to set the whole Court laughing again and again over her answers.

I remember, again, a little incident at the Tichborne trial for perjury which set the whole Court in a roar. A witness had been called to speak as to the antecedents of Jean Luie, an important witness who had given very sensational evidence for the Claimant. In answer to a question by Mr. Hawkins, the witness said he knew Luie to be a married man, but his wife passed under another name.

Mr. Hawkins : What name ?

Witness : Mrs. Hawkins. (Laughter.)

Mr. Hawkins : What was her maiden name ?

Witness : Cockburn.

It must be allowed this was a remarkable coincidence of names—that of the presiding Chief Justice and the distinguished Counsel ; and I do not suppose in any theatre the laughter could have been heartier or more prolonged. No power on earth could have stopped it, and I do not suppose the Judge ever lived who would have cared to try.

Coincidences are very remarkable things, and supply the most unexpected turns of humour. Quite recently a man was charged before me with stealing, among other articles, a "shoulder." Instinctively I wondered what this "shoulder" might be. I knew it could not be mutton, from the other articles that

were stolen with it. Presently the prosecutor was sworn. "What is your name?" said the clerk. "William *Mutton*," was the unconcerned reply. I dropped my pen as if I had been shot. "Clearly," I said, "there is a difference between stealing a shoulder of mutton and Mutton's shoulder!" The shoulder in question was a wooden frame used in linen-drapers' shops for hanging ladies' mantles on.

Years ago I was so impressed by various coincidences that had occurred within my experience that I used to make notes of them, but they are all forgotten except one, which for some reason still lingers in my memory.

It was that wonderful theatrical season when the entire company of the Théâtre Français visited London with Sarah Bernhardt in her zenith as their leading star. I was attending one of the performances, and, not knowing too much French, I had purchased the book, the better to follow the play. For some reason or other a man seated near me attracted my attention—why or wherefore I could not say, as he was a complete stranger. The next day I was at a big luncheon party. As I arrived at the door there was my friend of the night before in the act of ringing the bell. I recognised him at once, but he did not appear to have any recollection of me. During the lunch I was enlarging on the superlative merits of Sarah Bernhardt, when my friend, striking in, said: "I am glad to hear you say that, for it was my fate to sit near a man at the theatre last night

who evidently did not appreciate the acting one bit, as he did nothing but read the book. "I am afraid I was that man," I said, turning in my seat. "Now I look at you," he said, "there is no doubt you are. I had not recognised you when I spoke, and you must forgive me."

To return to the Police Court. I had almost said, *Revenons à nos moutons.* I have adopted an expedient which almost makes me armour-proof against any disposition to levity, and which I would recommend to my colleagues. When I am doubtful whether so much as a smile may not be permitted, I suffer my glance to rest trustfully on the stern, unbending features of the Clerk of the Court, who sits below me taking down the evidence.

There is no more admirable pattern of official propriety to be found anywhere than a Police Court Clerk. By the instinct which comes of long practice he is able to judge to a nicety the precise degree of provocation which will justify a departure from gravity, and so, when I see his features begin to relax, I know I shall not be doing wrong if I allow mine to follow suit.

This is only one instance of the value of a clerk. They are simply invaluable in far more important ways. They know so much, and know it so well, that I sometimes think of them as wasted understudies.

No Magistrate, however capable he may be, would feel quite happy if the clerk were not at his

elbow ready to pull him up if he makes a mistake. For weeks and months the Magistrate may perform his duties without being ever at fault, but so innumerable are the small points of procedure and practice that any moment he may make some little slip, which, small in itself, might be attended with serious consequences if allowed to pass uncorrected, and the clerk is seldom or never wanting on these occasions. The mere fact that he is within reach is comforting, and gives confidence. He is indeed as indispensable to the Magistrate as an index is to an encyclopædia.

CHAPTER XXV

READERS of the newspapers who are interested in the Police Court will have noticed that Magistrates, besides disposing of cases, have to listen to a considerable number of applications in their Courts.

The people who make them are mostly in humble circumstances, and the general grasp they have of the limits within which the law can help them is remarkable. It is very seldom they have the means to employ a solicitor. At the same time, as is only natural, there are many whose knowledge is less exact, and who seem to think there is no wrong or trouble in life which cannot be redressed at the hands of a Magistrate.

It would be an ungracious act to deal too brusquely with these poor people. The borderland between offences which are purely moral and those which come within the purview of law is more easily defined than explained, and humble folk who take their stand on the decalogue may be pardoned if they fail to understand why it should be criminal to break the eighth commandment and not the

seventh. And with many others who perhaps have not considered the subject at all it is easy to understand that in the daily ordering of their lives social and domestic difficulties will constantly arise for which it may be thought, not unreasonably, that the law will provide a remedy.

But what specially appeals to the Magistrate is the touching faith which seems to be reposed in him personally. If the law can help, well and good; if it can't, surely the Magistrate will be able to comfort in some way or other, and give welcome advice. It is impossible to turn a deaf ear to these people, and thus the custom has grown up in all the Courts not only to grant process for legal wrongs, but to advise generally wherever a sympathetic answer or the application of a little common sense or knowledge of the world is likely to give relief.

If there are days when the regular business of the Court is somewhat impeded by dealing with these irrelevancies, the balance is more than restored by the strengthening of the bond between the Magistrate and the public, and the greater confidence which is felt in the administration of justice.

A Police Court is the tribunal of all others which is most in touch with the people. In the higher Courts of the land the issues are too high and mighty for popular comprehension. The sittings, too, are interrupted by Circuits and suspended by the Vacations. With the Police Courts it is different. The sittings are continuous. The Courts are open every day of

the year, excepting only Good Friday and Christmas Day, and the cases which come before the Magistrates are mostly simple, and easily understanded of the people.

The Magistrates, too, by the mere fact of their constant attendance become known and familiarised in their several districts. It is natural their advice should be sought, and it is all to the good of the law which they administer, as tending to make it more gracious and popular, that they should lend a sympathetic ear to grievances honestly put forward and believed in, even though they fall short of a legal wrong.

And there is this to be said about irrelevant applications, that they frequently reward attention by revealing rich surprises in human nature. They bring to the surface the most extraordinary beliefs and superstitions—diversities of thought and conduct, which seem to lie quite outside the ordinary experience of life. Here is an instance, which if it were met with in a work of fiction would be scouted at once as absurd and overdrawn.

One day a middle-aged woman complained to me at Marylebone that whenever she went out in the street she was pursued by boys and girls who threw things at her and even pelted her with mud. As there was nothing eccentric about her appearance or manner, I asked her if she could explain how it was that she was picked out for such treatment more than anybody else.

Her reply was unexpected. "I suppose it is because I have no husband." "Well," I said cheeringly, "why not go and get one?" and then persuasively, "It ought to be so easy." But I did not succeed in appeasing her, and grumbling something which I did not catch, she left the Court. This little episode, which did not last a minute, found its way into the newspapers, and led to a remarkable *dénouement*.

Among my letters, a few days afterwards, was one with a Yorkshire postmark. The writer described himself as a widower about fifty years of age.

He was a lonely man, and anxious to find a companion who would cheer his declining days, but hitherto he had sought in vain.

He had seen in the newspapers the little dialogue to which I have referred, and he was convinced that the woman who was pelted with mud was the one woman of all others who was most likely to make him a faithful and loving wife.

He implored me to send him her name and address, and he enclosed a stamped envelope for the purpose.

I had some hesitation what to do, but the letter seemed so genuine and the stamped envelope appealed to me so touchingly, that I sent him the particulars he wished for.

Not unnaturally, I thought this was the end of the matter, but the story of the disconsolate widower got about, and further letters came dropping in,

this time not from widowers or bachelors, but from gentle sympathisers of the opposite sex, who were one and all anxious for an introduction to the Yorkshireman, confident of being able to bring him all the solace and companionship for which he pined.

I felt, however, I had gone far enough. To separate married couples was matter of almost daily experience, something to which I had grown accustomed; but here, for the first time, I found myself almost drifting into the position of a matrimonial agent, and promoting matrimony right and left. I felt much as a small boy may feel, who, playing with matches, has set fire to a common or a hayrick.

And yet I am not sure that this story is quite so original as it appears. It is only an instance of the fascination which attends a certain degree of publicity.

There is a class of mind which is attracted by notoriety, just as there is a larger and saner class which is attracted by fame.

When you get below a certain level of intelligence, the distinction between what is famous and what is infamous seems to be lost. Witness the frantic offers of marriage which are made by men and women alike to reprieved murderers and murderesses.

Very recently I have had a mild instance of the same confusion of thought. A widow in Wales wrote to me earnestly (stamped envelope, as usual, enclosed) for the address of a woman who had attempted

suicide by throwing herself into the Regent's Canal. This widow had four children, with little time to attend to them, and she was convinced that the would-be suicide would make an excellent mother to them. Perhaps so, but one could not help wondering whether the attempt to destroy yourself was the one indispensable qualification, and whether the widow had been anxiously waiting for it.

As an antithesis to these ludicrous reminiscences, let me give another which made a deep impression on me by its sadness and pathos.

One day, just as I was about to leave the Court, a charge was brought in of larceny from Whiteley's shop, in the Westbourne Grove.

The accused was a young girl, slight and graceful, and daintily dressed. Her face was buried in her hands, and she was evidently deeply distressed.

A detective officer stepped into the witness-box and quickly informed me that the prisoner had been seen to put some shoes into her pocket without paying for them, and that she had been arrested as she left the shop. The shoes were of small value, but there seemed little doubt that they had been feloniously taken.

I granted a remand, admitting the prisoner to bail, but it was many weeks before she was able to attend the Court.

When she did appear her Counsel explained that she had been seriously ill from shock, and had suffered acutely.

With regard to the charge, she had no defence to offer, and could only throw herself on the mercy of the Court. It was not difficult to be merciful in such a case; indeed, to be merciful was to be just. I felt she had been punished enough, and I allowed her to be discharged on her recognisances to come up for judgment if required.

Four years after, I noticed sitting in the Court a young woman, charmingly dressed, whom I had no difficulty in recognising as the same who had stolen the things from Whiteley's. She was seated so as to be almost opposite to me, and she appeared desirous of attracting my attention.

Presently a letter was handed up to me, in which, after recalling herself to my memory, she went on to say that I had saved her life by not sending her to prison. She was sure, therefore, I would not refuse the small favour she wished to ask, which was that she might attend the Court daily in the hope of being of some service to any of her sex who might be in trouble.

Now that she knew what it was to stand in a dock charged with crime, her heart went out to any woman in the same position, and she longed to be of use.

I readily acceded to her request, and for a few weeks the graceful little figure brightened the Court with her presence, like a sunbeam. She appeared very busy with her notes, and seemed to take an intelligent interest in the work she had undertaken,

and I remember in one case, which used to haunt me like a nightmare, that of a woman sodden with drink and disfigured by disease, she was successful, as no one else had been, in persuading the wretched creature to enter a home. Thus she did real good, but unfortunately it did not last. She became restless, and I found myself the recipient of constant letters, which seemed to have no other object than that of exciting my attention. Finally, she wrote me a letter, in which she begged that I would grant her an interview in my private room, as she had something very urgent to say to me. I thought it wiser to suggest that she should say what she wished in writing, and this made her very angry. She wrote me a furious letter, upbraiding me for my hard-hearted indifference, and declaring that she would succeed in the world in spite of me. She would never enter my Court again—nor did she. Within a fortnight the poor girl had committed suicide by throwing herself out of a window. From a report which I read in the newspapers it appeared that she had been taken ill with influenza, which had affected her brain—never, I imagine, too strong. And so ended her tragic little life. She was not strong enough, poor child, to fight the world's battle alone.

CHAPTER XXVI

I FORESEE that the reader of the last chapter may draw the inference, and may even think I wish him to do so, that the sad end of the poor little creature whose fate I have described was in some way or another connected with my refusal to grant her the interview she sought. It is not so ; the little I have written about her is all that I have remembered, but from information that has reached me since, I am led to believe that while she did feel herself drawn to my Court in some unaccountable way, it is quite certain that this feeling, however it may be described, had nothing whatever to do with the cause that led to her taking her life.

Mrs. Morris, for that was her name (she was a widow, and not the young girl I supposed), possessed very decided traits of character. I am indebted to Mr. W. T. Stead, who knew her perhaps better than any one else, for particulars of her life and history, which have interested me greatly. She appears to have been intelligent, brave, and self-willed, with a full share of the vanity of her sex. Her personal courage amounted almost to heroism. I am told that in her crusading zeal for philanthropic causes

which she had at heart, she would venture into the worst slums of the East End, by night as well as by day, quite careless of any personal risk that she might run.

The death of her husband left her heartbroken, and was followed by a complete breakdown of her health, attended by morbid symptoms which probably had much to say to her subsequent suicide.

Nevertheless, she was able to leave behind her an unpublished autobiography, written with great vivacity and frankness. The incident which brought her into the Marylebone Police Court evidently affected her whole life. The shock of the accusation was followed by an illness of which catalepsy was only one of the symptoms, and which brought her to death's door. She was affectionately nursed by kind friends, and on her recovery was persuaded to accept an offer of marriage from a young and impressionable doctor who had attended her throughout with no less devotion than skill. But she was never able to get out of her mind the horror and disgrace of being regarded as a thief. It coloured her thoughts incessantly, whether she was raving with delirium or struggling towards convalescence. As the day approached when she would have to appear in Court she determined on suicide in one form or another rather than "demean herself" by going before the magistrate.

Finally, when the "terrible trial" was over, and happiness seemed to be within her reach, an unguarded remark by her lover, reflecting as she

thought on her character, stung her as so intolerable that she broke off the engagement.

Leaving a letter behind her to explain her conduct, she stole out of the house by night. Weak and ill, and having no money, she pawned her watch, and disguising herself as a youth, with an auburn wig, she made her way to the seaside, and picked up a precarious living by painting horseshoes. Here her story, so far as I am acquainted with it, comes to an end.

With all its freshness and romance, for it reads like a novel, what has impressed me most about it is the extraordinary disproportion between what this brave little spirit suffered, and what may be considered the chief contributory cause of her suffering. One does not feel at all sure that her ultimate suicide may not be traced in some degree to the simple fact that she was believed to have stolen a pair of shoes.

It is to be hoped that there are not many who suffer to the same extent. Hitherto I have found a certain cold comfort on the bench in noting the indifference with which men and women usually receive their sentences. I have often wished to lift a corner of the veil and learn something of the history, something of the antecedent circumstances, that have brought them into the dock, but I have never felt any burning curiosity as to what they might feel, or endure, after conviction.

If, however, Mrs. Morris's experience is to be taken as a guide, it is not the physical punishment, however

severe, which is most dreaded. With certain minds the disgrace, the mental torture, counts much more—how much more can best be gathered from Mrs. Morris's own words.

I have taken the following extracts from her "Life":—

"I then left the shop, and had just passed into the street, and was thinking how delightful the fresh air was and how frightfully weak and tired I felt, when a shop walker caught hold of my arm and asked to see my bills.

"I showed them to him, but he did not seem satisfied, and he asked me if I would step into the manager's room.

"'Certainly, if you wish it,' I answered. Then they took all my things away from me, and I, too weary and headachy to care what they did, sank down on the nearest chair almost exhausted.

"I noticed that they spread the bills out on the table, and compared each article with them, and calling in several men, had a discussion in an undertone, which I either did not hear, or do not remember. But very shortly one of them turned to me and said,

"'Where did you get this pair of shoes?'

"'I brought them in to change,' I said.

"'No,' he said, 'you stole them!'

"'*I* stole them!' I repeated after him, with wide-open eyes; 'what do you mean?' these awful words quite taking away my headache for the instant.

"'Yes,' he repeated; 'you deliberately stole them.

Mr. —— saw you put them into your bag, and you wrapped this pair up,' pointing to a tiny pair of satin ones without any heels, and marked one shilling.

"The same man then asked me my name and address, while the others all seemed to be laughing, as if a great joke were going on. I was bewildered to madness, all that I know is that I refused to give it, telling them 'it was no business of theirs. If they had anything against me they could punish me as much as ever they liked, but I would not allow them to bring disgrace or discredit on the people I loved—the sweet mother and sisters who had been so good to me.' They say I added in an undertone, 'You may send me to prison, kill me if you like, life is not worth living; but you shall not bring discredit on my people.'

"Then I dimly recollect half a dozen cruel-looking men saying, 'She won't give her name, won't she? that looks fishy!' 'You'd better search her,' said the ringleader of my tormentors. So they either turned out my pockets, or made me do so, but they only discovered a handkerchief, my notebook—chiefly full of my own poetry, which they must have kept, for I never saw it again—and a paper bag containing several greengages which was marked 'Southend,' from which they concluded that I lived down there, for they talked a great deal about it.

"After that I do not remember anything, for a

dreamy sense of the unreality of life beset me, and my mind, as regards anything that really happened, is a perfect blank.

"To make my story understood, I must now tell it, not from my own memory, but from what I have since been told by kind friends, and what I have gathered from newspaper accounts.

"It seems that Mr. Whiteley's assistants, after thoroughly convincing themselves that I was a 'thief,' in spite of my offering them eight pounds for the shoes, and seeing that I then possessed thirty shillings in my purse, which would have enabled me to buy them several times over had I wished to do so, sent for a policeman and gave me in charge.

"They say I did not raise the slightest objection, until he proposed to put handcuffs on me, then I began to rave and storm, until quite suddenly my whole manner changed, and as the policeman subsequently told me, I became as meek as a lamb, and gently kissing him, said, 'I will follow you wherever you wish to take me, but please don't make an unnecessary exhibition of me.'

"This, however, I feel great doubt about, for it does not seem to me at all likely that I, who have a deeply rooted objection to kissing even very nice men, should kiss a policeman. If I did it, I must have been mad indeed. But, be this as it may, I followed him quite quietly to the Marylebone Police Station, and he did not put the handcuffs on. I asked him if

the people looked at me, or I created a crowd. 'No, miss,' he said, 'you just walked in front of me, as a woman would walk in her sleep, taking no notice of anything or any one.'

"On my arrival at Marylebone Police Court, I was told that I should be locked up in a dark cell, until I gave my name and address.

"'Will there be any black beetles there?' I asked.

"'Hundreds,' I was told, 'and everything else that is creepy and crawly.'

"I am not, as a rule, the least inclined to be nervous, but I think the horrors of being locked up alone in a loathsome cell must have acted like dripping water on my former decision, making me see it in quite a different light.

"They then took me before a magistrate, and charged me with stealing two pairs of shoes valued one at ten shillings, the other at a shilling. He then asked me if I pleaded guilty.

"It is recorded—for I remember nothing of all this—that I answered in a very excited voice and manner, trembling so violently all the while that I shook the dock. 'If they said I had taken them, it must be so, although I knew nothing of it. If so, I suppose I must have done it on a sudden impulse, for I certainly did not want the shoes, they did not fit me, and I had numbers of pairs at home, and never meant to steal them.' I then added, 'Send me to prison—give me three years' penal servitude—but don't bring dis-

grace on my friends—don't tell them you think me a thief!'

"Now it seems to me most unlikely that I stole those shoes on 'a sudden impulse.' For, had it been so, I should surely have had some recollection of the impulse. And why, I ask myself, should I ever have had an impulse to steal shoes which I did not want, and, even if I had wanted them, would not have fitted me, being several sizes too small? Some uncharitably minded person may remark that I might have wished to pawn them. But I ask that 'person' why I should begin to pawn things thus, when I had plenty of money, and no unsatisfied needs, when I never did so when I was hard up, nay starving! I don't know that it's wrong to pawn your things, but I do know that I have never pawned a single thing in my whole life.

"Another thing that I cannot understand, and which all the paper accounts state, is that when the magistrate remanded me to gaol for a week, I said, 'I will give you £2,000 bail,' which he refused, seeming to think I was a hardened criminal who only wished to run away.

"I think that shows as well as anything that I could not have known what I was saying. For how could I have raised £2,000? I knew no one who would lend me this large sum. So, at all events, this £2,000 was a perfect delusion of my brain.

"One of the newspapers described me thus: 'During the hearing of her case the poor girl looked

dreadfully pale and ill. She trembled violently from head to foot, and was so helpless that she was carried out of Court, and before being removed to Holloway, fainted several times.'

"Then, it appears that they shut me up in a cell, fainting and alone, for hours. No woman's hand was there to tend me. They called no doctor, neither did they care if I lived or died. But the God who rules the universe was kinder than they, for He ordained that I should not be conscious during those hours of torture. So instead of calling them agonising hours, as I surely would, they only seem to be a blank filled up by imagination. They tell me, that at six o'clock, when the van came which was to take me to the gaol, laden with its crowd of erring flesh, I gave one long bitter cry, then fell to the ground in a dead faint. So they fetched a four-wheeler, and laying me flat on one seat, a policeman mounted guard over me on the other.

"When I ultimately arrived the authorities stated that they had seldom seen a more miserable object. My white dress was filthy and torn, I suppose from the numerous falls I had had. Every rag I had on was wringing wet—they having probably doused me with water when I fainted. My large white hat was hopelessly ruined, my gloves were gone. Judging, I suppose, from these outward signs, they concluded that I was some poor street girl, and took little interest in me. But seeing that I neither spoke nor moved, they in time sent for the

doctor and he ordered me to the infirmary, where they dressed me in prison clothes and put me to bed.

"All that night I was delirious, talking wildly, and keeping every one awake by shrieking and laughing, and refusing to stop in bed. But next morning I was so exhausted that I lay all day in a state of dead catalepsy, and for days I remained in this state, seeing nothing, knowing no one, and being fed artificially.

"At last came a time when no one thought I could live through the night. My friends all prayed for me; I know not if their prayers were answered, but I did not die, and from that time the sickness left me, and by very slow degrees I got better. Gradually I began to know my friends again, then I sat up for a few minutes; then after many days they robed me in a white dressing gown, not more white than my face, and the doctor carried me to an easy chair in front of the low French window. Well do I remember that day—it seemed to me like the first dawn of summer. I had been taken ill on the first of July, now it was nearing the end of September. But soon exhausted I was put back to bed, then I remember I was alone with the dear doctor who had always been so good to me.

. . . . .

"'Ethel dear,' he said, oh so gently, 'will you tell me everything that happened just before you were taken ill?'

"'Yes, poor Edwin died,' I said.

" 'Yes, but that was some time before. Don't you remember, for instance, spending the day with me at Southend?'

" 'Yes, I remember something about it. I felt very seasick on the boat. I suppose that was what brought on all this sickness I've had ever since.'

" 'But next day, what did you then?' he asked.

" 'I had an awful headache, but I went out soon after breakfast and bought Maude a hat. I hope she got it all right. Poor little thing, I expect she trimmed it herself, and she does make them look such guys!' and I laughed long and merrily at bygone recollections of Maude's hats.

" But he refused to share my amusement, looking as serious as the grave, and continued blushing, I noticed, up to the roots of his hair.

" 'Did you buy any shoes that morning?'

" 'No, but I think I changed some. But somehow, dear, that seems to have been mixed up with my dreams—I have everlastingly dreamed of shoes all the time I've been ill. Silly—isn't it?'

" 'But—my darling, tell me, what did you dream about then?' he persisted.

" 'I don't know: it's all confused and muddled, and something different every night,' I answered.

" Coming still nearer, and taking my face between his two hands, he looked deep into my eyes as if he would fain read my soul, and said in a voice broken and husky with emotion—

"'Did you ever dream that you *stole* a pair of shoes?'

"I did not speak, neither did I move. Truths always seem to force themselves on me like flashes of lightning, there is nothing gradual in the process. And after that instant there was no need for him to tell me that I was wanted as a 'thief.' I knew it.

"The scene at Whiteley's—the confusion of the bills, the men who had amused themselves at my expense, the policeman who had wished to handcuff me and drag me through the streets, it all came back, not as idle dreams, but as the realities of life. For a few brief seconds no torture in hell could have been greater. Then I dropped my head into my hands and knew no more."

There is much more to the same effect that I could quote.

What is the impression that is left? Aye or No—did she steal the shoes?

On the one hand there is her plea of "Guilty" in the Police Court. Against it, there is the knowledge of all that she said, and did, and suffered—the strenuous protest of all her subsequent life.

There is also the improbability that had she been guilty she would have taken the matter so much to heart as she did. Remorse cuts deep, but nothing stings like a false accusation. Only perhaps this is certain, that she paid a heavy penalty.

CHAPTER XXVII

NOT infrequently it has been remarked to me by ladies that my life must be very undesirable, having to witness so many sad scenes in a Police Court, and the tender-hearted creatures generally finish with the same words, " I really wonder you can bear it ? "

There are more ways than one of answering them. Sometimes I feel disposed to take refuge in the cynicism of Rochefoucauld, that nothing cheers the soul of a man so much as to witness the misfortunes of his fellow-creatures. At others I try and point out that all is not misery in the Police Court, that there are bright occurrences as well as sad ones.

But I confess what pleases me most is to meet question with question, and I ask them this : " How is it that a lady seldom or never gives way to tears in a theatre, whereas with me I weep on the slightest provocation ? " I have never had a satisfactory answer to this question, and I do not pretend of myself to be able to explain it. I do know that my self-control entirely disappears in a theatre, so much so as to seriously interfere with my enjoyment. It does not require any very harrowing piece—the smallest

touch of pathos in the setting, even of a farce or a pantomime, is sufficient to start my tears. The stage to me is the world of reality—the world, nothing but a stage. In the one I feel, because I am *free* to feel. In the other, being just an actor like all around me, I have learnt, with more or less success, how to conceal every natural emotion.

Only once in a Police Court have I been on the point of breaking down, and my sensibility on this occasion was shared, I think, by all who were present.

It was a case of husband and wife, and the husband had all but murdered his wife, by striking her repeated blows with a poker. As the wife gave her evidence, still suffering severely, all her thought was given to the husband in the dock. Her eyes were fixed on him, her arms were stretched out to him, she could hardly speak for her tears, and he was not less moved. He had attacked her in the middle of the night, under a strange and sudden delusion that there were burglars in the room, and that she was one of them. He had since regained his senses and was transported with grief at what he had done. I have never seen a more touching exhibition of human affection.

Everybody in Court was affected by it; it was so genuine, and so entirely unstudied.

It is one of the consolations of a Police Court that you never know what is going to happen. Any moment may witness some surprising development, which changes in an instant the whole current of

thought and feeling. I remember one drowsy day, when the work seemed to hang and go slowly, a case being called on which in a few minutes worked like a transformation scene, and set everybody laughing. It was quite impossible to stop it, because fresh fuel was being added every minute; and yet it had no other foundation than that of a wretched workhouse squabble. I despair of being able to describe it, for really the whole humour of the scene consisted in the voice, action, and demeanour of those who were concerned.

The defendant in the case, a pauper, was an Irishman who had seen better days, and he was summoned to answer for a thrashing which he had given to a fellow-pauper. His manner in Court was a splendid exhibition of superb aristocratic contempt for the worm that has crossed his path and provoked his heel to crush it. He had the appearance of what a novelist would call a faded nobleman, and he dwelt on his pedigree and his personal accomplishments with the loving gusto which only an Irishman can affect. He was Barry Lyndon to the life.

The mischief had all occurred in the workhouse on a Sunday. It was one of the privileges of the day that what was called the workhouse pen was placed at the service of different paupers in turn who might wish to write letters. The defendant was the first to get hold of it, and being a poet, and his brain teeming with fancy, he had no idea of letting it go

in a hurry. Several times was he appealed to by other paupers to let them use the pen—notably by the plaintiff, who, without being a poet, had a pressing letter to write—but all these appeals were treated by the Irishman with disdain. If he condescended to notice them at all it was only to remind his companions of the immeasurable social gulf which separated them from him. At last human patience gave way, taunts were followed by blows, and a free fight ensued, which found the Irish aristocrat very much in his element. Hence the summons.

There was really nothing more in the facts than this, but what made the whole affair so droll was the unconscious seriousness with which it was regarded by the paupers concerned. A number of them gave evidence, and to make it more comic there was only one of them that was not deaf. The defendant was magnificent, and the paupers took him entirely at his own valuation.

Each of them seemed to be almost weighed down by the gravity of the occurrence. You could see it was the great event of their lives. There was no world to them outside the workhouse; and the workhouse itself quaked under the shock of this terrible encounter.

I remember another case in which the central figure was also an Irishman, this time of a type which sent one's thoughts spinning back to the times of gallant knights, with lance in rest, ready to die for the possession of a lady's glove.

My hero was a gentleman of independent means and position, with a wife and grown-up daughter.

Owing to his alleged violence and ungovernable temper, his wife and daughter had left him, and had taken up their abode in a London hotel under an assumed name, until such time as the wife could obtain a legal separation from her husband.

Mr. Fitzgerald, for that was the husband's name, was apparently greatly upset by his wife and daughter thus leaving him. Whatever his behaviour might have been, he could not bring himself to believe that his wife had left him of her own accord. He chose rather to think that she was under some mystic spell, some enchantment, from which it was his sacred mission to deliver her, and he sought her with much the same spirit of devotion that Don Quixote sought his Dulcinea.

Ultimately he succeeded in tracing her to the hotel, where she was kept " in duress," and laid his plans accordingly.

Having ascertained that both wife and daughter were to lunch at a well-known restaurant as the guests of a certain gentleman, he attended at the restaurant with a faithful Irish cousin, and burst in upon the party without a word of warning. Raising his hunting-whip, and shouting, " Be on your guard, you robber ! " he at once proceeded to attack the giver of the feast, and a sharp struggle ensued, in which Fitzgerald got much the worst of it, and was promptly placed on the floor by his more powerful

antagonist. There the matter should have ended had not the faithful Sancho Panza rushed in at this stage and whacked the " robber " with a stick about the head while he was pinning his master to the floor.

As the result of this disgraceful violence Fitzgerald and his squire were both summoned for the assault, and I found myself compelled to convict them both.

I have never had such a defendant to deal with as Mr. Fitzgerald. So far from any desire to excuse himself, he glowed with fervour at his own achievements, and embarrassed me with compliments when I found him "Guilty." Not content with his own share of the blame, he was eager to take on his shoulders the far more serious violence of his friend. There were, indeed, no limits to his chivalry and gallantry. The more his wife disclaimed him the more feelingly he spoke of her, the more convinced he was that she was under a spell. Had she been in her senses she would never have accepted hospitality from a man " who was not fit to clean her boots or sweep her chimney."

It was impossible not to feel a certain sympathy with him, so polished was his address, so courteous his manner to the Court, and so genuine his delusion. And yet beneath it all, was the hard substratum of ugly fact, which it was impossible to get over. I had no compunction whatever in sentencing his friend to a month's imprisonment, but no one cares to inflict punishment upon a man who almost

supplicates for it, and that was the position into which I was forced by this romantic Irishman. Happily, the actual harm he had done was but slight, so that a fine was sufficient to meet the justice of the case without having recourse to more drastic measures.

But it is not "cases" alone which by their exceptional features occasionally break the monotony of the day's proceedings. There are moments when some little peculiarity in the manner or language of a witness is so marked that it cannot escape notice.

There was a certain Police Constable who was in the habit of giving evidence at Marylebone in this fashion :—

"Your Worship, I was on duty last night in Baker Street. I saw the prisoner deliberately come towards me. He struck me deliberately in the face, and I deliberately took him into custody."

I remember another Police Constable, who took a man into custody for damaging a tree. "The tree, your Worship," he explained, "was teetotally destroyed."

This reminds me of a wretched woman who was charged before me with being drunk and disorderly. On asking her for an explanation, I was met with the astonishing reply from this denizen of the gutter: "Your Worship, it was all a *lapsus linguæ*."

Another—this time again a Police Constable who had had great difficulty in taking his prisoner to the

station—said all sorts of things were thrown at him by the crowd, including flower-pots and other *combustibles.*

Prisoners are very fond of appealing to marks and bruises, which they allege they have received at the hands of the police. It is not always easy to prevent them displaying these evidences of brutality, and they are prepared at any moment, with very little encouragement, to take off any of their garments for the purpose.

A French countess once came to Marylebone for redress, and was seen by the Chief Clerk in his room before coming into Court. She had bruises on her shoulders which she wished to display, and not all the protests of the Clerk could stop her. Her blouse was removed in a twinkling. Probably it was this rehearsal which prevented a similar exhibition in Court, but it was highly discomposing to the Clerk, who blushes even now when he recalls it.

Even solicitors have been known to distract from the ordinary routine.

At Marylebone, before one of my predecessors, a solicitor who was occasionally known to exceed betrayed so much unsteadiness that the Magistrate quietly observed—

"I think, Mr. B——, you are not quite well; perhaps you had a little too much wine for lunch."

"Quite a mistake, your Worship," hiccoughed B——. "It was brandy and water."

I remember when I was appointed to Marylebone,

a terrible old reprobate of a solicitor, who was frequently engaged in cases, took a long time before his sins, which were many, found him out. He was given all sorts of chances. The curious thing was that his portrait appeared one week as the frontispiece in a widely-circulated religious periodical. S—— was very proud of this. He probably saw the grim humour of it, and whenever the bailiffs visited him there was the picture on the mantelpiece, though the subject of it might be lying drunk on the floor.

This of course was a very exceptional instance—and there are black sheep in every profession. Of solicitors generally who have practised before me at the different Police Courts, I am only too pleased to seize any opportunity of testifying to their merits, and their high sense of what is due to their profession. They are of the greatest assistance in the administration of justice.

CHAPTER XXVIII.

IT is not possible to be attached to a Police Court for any length of time without becoming acquainted with reminiscences of former Magistrates, not preserved in writing, but handed down from mouth to mouth, until they have become veritable traditions of the Court. I never listen to these anecdotes founded on the foibles of my predecessors without the uncanny feeling that I too in my turn am providing sport for the future, that the tricks and defects of my nature are being carefully noted to fit me for a place in the gallery of eccentricities. So be it. One can only think of Burns' well-known couplet—

> "Oh wad some power the giftie gie us
> To see ourselves as others see us!"

Fifty—it may be sixty—years ago the two Magistrates at Marylebone were gentlemen of the name of B—— and L——. When they retired their united ages reached 159 years. And one of the pair is reported to have lived ten years after his retirement. Who can say, in face of this longevity, that the atmosphere of a Police Court is prejudicial to health?

B—— has left a reputation behind him which no Magistrate will care to eclipse. He was the slowest man in his work that had ever been known. He was of a sleepy disposition, and notoriously unpractical. He was an F.R.S., but these famous initials were used to his scorn, and were held to signify "Fellow Remarkably Stupid." He seems to have had quite a capacity for shirking work by methods which, had they been employed in the present day, would quickly have brought his career to an end. It was his habit to have the witnesses on both sides of a defended case sworn in a batch. He would then withdraw to his room to sleep, leaving the conduct of the case to the Clerk. At its conclusion he would come back to the Court, and lazily pronounce judgment. His colleague L——, who had married a sister of Bernal Osborne, was a very different type of man, and he would good-naturedly take on his shoulders as much of B——'s work as he could. He was a man of some mark, a scholar and an historian, but an irritable temper and premature deafness prevented his being the success as a Magistrate that might have been expected.

To B—— and L—— seems to have succeeded a Magistrate of the name of Secker, a grandson of the great Archbishop. It is remembered of him that he took peculiar pleasure in bullying the Usher of the Court. On one occasion when that humble functionary happened to rustle some papers in Court, Secker almost crushed his weak spirit by savagely

telling him that he made noise enough to drown a military band. Secker, too, is remembered for his curious standard of the value of money. In his day the Summary Jurisdiction Act had not been passed establishing a scale between fines and imprisonment, and Secker would think it just to sentence a prisoner to pay a shilling or go to prison for twenty-one days.

A Magistrate who left a much stronger impression on his contemporaries was Mansfield, the Magistrate at Marlborough Street, whom I succeeded. He was a brother of the first Lord Sandhurst, the great Indian soldier and administrator. Mansfield, who is happily still living, was a man of scholarly mind and considerable literary ability, but, like most of us, he was not without certain antipathies and prejudices.

One of his pet aversions was the anti-vaccinationist, whose views, it is said, enraged him beyond measure. There was a time, too, in his life when, judging by the following verses, he appears to have been profoundly dissatisfied with both the political parties in the State and with the Speaker as well. As the lines were written as far back as 1850, I trust there can be no great indiscretion in recalling them. I had them from the lips of one who had a long official career at Marylebone :—

"In the middle of the Hall
Where the noisy Blockheads bawl,
Comfortably sits a big
Mountebank who wears a wig.

Like an Æolus he rules
Jarring crowds of blustering fools,
Whom, when heat of wine or youth
Makes them deviate into truth,
Suddenly with voice sonorous
He recalls to lies decorous."

Another worthy Magistrate of whom much is remembered was Y——, a Radical of the most uncompromising type. His great delight was to make himself offensive to any one with a title. He hated aristocrats with the hatred of a Revolutionist.

One day at Marylebone the Marquis of Westmeath was the complainant in a case. Y——, with a pleasure he did not care to conceal, dismissed the case. The Marquis, who was unable to see the justice of this decision, mildly protested. "May I ask, sir, the grounds of your decision?"

This gave Y—— the opportunity he wanted. "No, sir," he said, "most certainly not. It is most impertinent of you to make such a request. It is an insult to the Court which I will not put up with from any one, be he a lord or commoner." The Marquis, who was an old man, bewildered by this avalanche of reproach, slowly made his way out of the Court, but was not allowed to leave it without several parting shots being fired at him by the implacable Y——.

On another occasion, when a constable in the witness-box had the temerity to intimate that he did not quite agree with some criticism from the Bench, Y—— turned on him with the remark: "No doubt,

sir, you would make a very excellent magistrate, but you make an exceedingly stupid policeman." But Y——, with all his ferocity, did not always get the best of it.

A prosecutor in some case before him insisted upon telling his story in his own way, regardless of all rules of evidence. Y—— seems to have been patient with him at first, and to have done his best to keep him in bounds, but no notice being taken of what he said, he finally lost his temper, and, in popular parlance, let the prosecutor "have it." The prosecutor took his own line in the matter. He reported Y—— to the authorities, and threatened, unless some action was taken, that he would go to Marylebone and horsewhip the tyrant in his own Court.

This fearful threat, though never carried into execution, caused considerable uneasiness to Y——, and it was some time before he recovered his usual composure.

Another peculiarity that he had was his failure to understand how any one could object to street music. It was the time when Babbage was constantly taking proceedings against organ-grinders and German bands, but it was no use bringing them before Y——, for he always discharged them. He seems to have been a very eccentric character, and his appearance, which was most unkempt and slovenly, was in keeping with it.

Police Magistrates, with all their experience, occasionally make ludicrous mistakes. There was

a case before a Magistrate whom I can remember, in which frequent allusion was made to the Albert Palace. As the evidence came to a conclusion, the Magistrate somewhat testily complained that a witness who had been so frequently mentioned had not been called. " Why has Albert Palles not been put into the box? " he exclaimed.

Another Magistrate, whose experience is not traced to a very remote past, was remarkable for the modest estimate he placed on his own abilities. He had more confidence in his Chief Clerk than in himself, and gratefully accepted his guidance not only in difficult but in easy cases. He is said to have made it ground for great complaint that, sitting one day out of his own Court, the Clerk expected him to do all the work.

Perhaps before I bring these Marylebone reminiscences to a close I may refer to a very curious coincidence which came under the notice of my colleague, Mr. Curtis Bennett. A man with an uncommon name, which I forget, was charged before him with the offence of begging. The prisoner having explained that he was a retired butler, quite incapable of begging in the streets, was remanded in the ordinary course for inquiries. In the interval my colleague happened to read in the daily paper that a legacy of £100 had been left to a butler by his deceased master, and he noticed that the name of the fortunate legatee was that of the man who had been remanded by him for begging. A few ques-

tions asked of the prisoner when he came up on remand put the matter beyond all doubt, and he was discharged. It is difficult to imagine what his feelings must have been hearing of this windfall under such peculiar circumstances. I confess if I had been in my colleague's place I should have felt nothing but envy. I do not disguise that my imagination is profoundly impressed by the possessors of large fortunes. I feel inclined to take off my hat to every millionaire I meet, in sheer admiration of what his energy and enterprise have achieved; but intense as must be the satisfaction of having amassed a huge fortune, it can hardly equal what a man must feel who suddenly and unexpectedly, at a moment when he is harassed by pecuniary care, and in danger of going to prison, finds himself the recipient of a thumping legacy. Such a moment as that, in the rare cases where it happens, must be indeed worth living for.

These, of course, are trite reflections. I am tempted to make them in order to clear myself from having any sympathy with the moralists who discourse to me on the relative joys of poverty as compared with riches. They have never converted me, and never will. I believe in money. Of this at least I am certain, that in England at all events unless you are passably rich you labour under a distinct social disadvantage.

All men now contend for gold, and you see everywhere the extraordinary respect with which people

are regarded, very often solely because they are rich. Whether this is right or wrong, admirable or deplorable, it is a fact, and therefore if your lot is cast in England it is something of a misfortune if you cannot meet your friends and neighbours on something like equal terms. I happen to be very fond of society, and I enjoy dining out. In a long course of dinner parties, extending over years, I can only recall two occasions where the host had the moral courage to dispense with champagne. I don't know when I felt so happy. It seemed like the dawn of a new era, and as I wended my way homeward I indulged in pleasurable anticipation of one day being able to entertain my most intimate friend, perhaps even a near relation, without hurting his feelings by offering him a bottle of red wine instead of the everlasting fizzing, and often pernicious, champagne.

But while I must ever deplore the fate which has denied to me the purple and fine linen that I love, and forbidden me to fare sumptuously every day, I should be ungrateful if I did not recall that I have known my modest moments of good fortune. I once, a long time ago, pulled off a Derby sweep at my club. I drew a horse which stood at 10 to 1. I was pressed to sell my chance by different friends, but I thought it wiser to back it, and my enterprise was rewarded. I won quite a goodly sum. I remember too, also, many years ago, a visit to Monte Carlo. I felt the necessity of trying to compel the smiles of Fortune by seizing on some happy number. I had no difficulty

in choosing 28, for, curiously enough, I was engaged to be married on the 28th of one month, my marriage took place on the 28th of another, and my eldest child was born on the 28th of a third. This was good enough for any superstition, nor was I disappointed in the result. The first number I heard called out by the croupier as I entered the rooms was 28 ; and during my short visit it constantly came up afterwards. The last night of my stay I dined with a large party of friends. We visited the rooms afterwards. Turning to one of the ladies of the party, I said to her laughingly, " I will show you how simple roulette is—watch ; " and I staked on my favourite 28. Up it came obediently, and not only once, but I had quite a run of luck on the number. As I raked in the spoils, my companion was so surprised that she took me by the arm and almost prayed me to leave the rooms. I was happy to oblige her, and the next morning I was on my way to England. The most extraordinary things happen at roulette. I remember (all of this, of course, is ancient history) putting a stake *en plein* on the number 31. As the wheel began to spin a lady standing by put into my hand a coin and begged me to place it on the first three numbers at the other end of the table. There was but little time, I threw the coin to the croupier, but as it happened, before it reached him it bounded from the table into the cylinder, and the spin had to be stopped. Gamblers are superstitious, and the glances that were turned on me from all directions

showed anything but satisfaction. There was a fresh spin, and I remember the thought darting through my mind, how very funny it would be if 31 were now to turn up. I had scarcely time to think before the wheel stopped, and I heard the croupier exclaim, "*Trente-et-un.*" It seemed incredible. It really looked as if I had manipulated the whole thing, and I remember in my excitement addressing an apology to both sides of the table, in what I fear was very indifferent French. I remember too, at Monte Carlo, witnessing a stroke of good fortune which befel Sir Charles Russell, as he was then, before he became Chief Justice of England. I was standing by his side at a roulette table when he put a great number of stakes on the table at once, in the hope of one or other turning up. It was difficult to watch them all, as there were so many, but apparently they were all swept away and Sir Charles turned away disgusted. Some minutes afterwards, as I was in the act of leaving the room, I heard my name called out quite excitedly. It was the Attorney-General beaming, with a pile of winnings in his hand. *One* of his stakes, which he had overlooked, had been successful. It had gone on winning, and as Sir Charles accidentally repassed the table, the croupier called his attention to it. Moralists talk, and perhaps with reason, of the sad and haggard faces that you see at Monte Carlo, but there are happy faces as well. And Sir Charles's was one of them. He looked as pleased and triumphant on this occasion as if he had won a big verdict.

CHAPTER XXIX

ONE of the worst social symptoms of the present day, as reflected in a Police Court, is the horrible freedom in disgusting language by boys and girls in the open streets.

There is a tendency to view this habit with too much indifference. It is really a very nasty sign of the times, and I think may be traced in some measure to the growing laxity of home influence and the widespread independence which boys and girls of the present generation claim for themselves. I desire to lay stress on the disgusting language used as distinct from mere swearing. The latter is often meaningless, and may be overheard almost without offence. One word (b——y) in particular has taken so deep a root as a colloquial expression that, coarse though it be, the world has learnt to take it almost indulgently.

I cannot help recalling in this connection a very well-known story at the Bar, of a certain Equity Judge on Circuit who with all his great attainments was curiously ignorant that the expression to which I have alluded could be used in any other but its plain, natural sense. A man was being tried at Stafford for strangling his baby child. As I defended the

prisoner I have every reason to remember it. It was a simple case. The prisoner in a drunken mood had snatched the baby from its mother, and in doing so, squeezed its throat so roughly as to kill it. It was not at all certain that he meant to do so.

The wretched mother, when she realised what had happened, bitterly upbraided her husband, and told him to get out of the house. "All right," said the man, somewhat sobered by his wife's reproaches, "give me my b—— jacket, and I will go."

When the Judge came to sum up the case he laid great stress on this incident. It did not seem to occur to him that even if the word had to be taken literally it had no bearing on the case, for there was no question of any blood having been shed. He continued to press the matter on the Jury—to remind them that the jacket had not been produced, so that it was impossible to say whether there were bloodstains on it or not.

This singular example of how great minds may occasionally be at fault is matched by a story I have heard of a Bishop, who showed himself—struggling with the same expression—much more a man of the world, for once in a way, than the Judge.

The Bishop was a guest at a luncheon party where among the company was a young man who, regardless of all propriety, indulged in a great deal of coarse language.

At last, turning to the Bishop, he said, "I am afraid, my Lord, you may think my conversation is

somewhat free, but the fact is I am a plain man, and like to call a spade a spade." "Pray don't trouble to apologise," replied the Bishop. "I am only surprised that you did not think fit to call it a b—— shovel."

It is not easy to stop the use of this disgusting language. The cases which find their way into the Police Courts are mere drops in the ocean, and I doubt whether the punishments inflicted have much effect in suppressing a vice which infects such great numbers of people, and is viewed with so much apparent indifference.

As to the laxity of home influence, the following little case which came before me a few weeks ago is not without point.

A boy who was only thirteen, summoned his father for an assault—in plain English, for giving him a thrashing, and this was the boy's own account : His father, in the lightness of his heart, after a day's work, proceeded to sing, perhaps not in very good tune, one song after another. This was not pleasing to his son, who shouted to him to leave off. This was a little too much for the father, and he presently brought the dispute to a finish by asserting his parental authority, and giving his son a few "clouts," about the head.

The boy, though he resented the thrashing, did not seem to realise in the least that his own conduct was, to say the least, slightly unusual. When I asked him why he ordered his father to leave off, he replied, "Because I didn't like it ;" and when I pressed him

a little further what there was to object to, the answer was, "He hollered!"

I think this little story is symptomatic of a great change that has crept over society at large during the last five-and-twenty years. Everywhere there is greater freedom for the young, and less respect for domestic authority. Young girls claim the same independence as their brothers, and scorn to use any latchkey but their own. Whether the change is all for the good I leave to others to decide, but it may be doubted whether one effect of it may not be to obscure the modest graces which are the peculiar charm of maidenhood. Young women have become so very businesslike and matter-of-fact, that marriages less than ever are contracted for sentimental reasons. As a lady remarked to me the other day, "There is no sentiment nowadays. Brides have ceased to blush, and their mothers no longer weep. Weddings have become very prosaic affairs."

CHAPTER XXX

IN one of the earlier chapters of this book I have expressed my amazement at the popularity of Police Reports, and the wide circle of readers which they seem to command.

I wish to guard myself against being thought to mean that Police Court cases are not worth reading. Far from it. It is not the cases, but the reports, which strike me as being so very disappointing. It would almost seem as if newspaper reporters vied with each other in making their reports as colourless as possible.

I suppose it is that the genius of the English race does not lend itself to picturesque prose. The one great aim is to be accurate, to be sure that the reader gets the *facts*. This is, of course, quite right and proper, but the reporter is so anxious about his fact that he abstains from any attempt to make it attractive. He is afraid that it may be lost sight of. He likes to present it to the public bare and undisguised, and to call it, as it certainly is, the naked truth.

I am sure all this in its way is admirable.

Having suffered myself at times from slight misdescriptions in the Press, and having also been a

reporter, I can appreciate from both points of view the value of accuracy.

I can enter into the pride of the reporter who has got at the heart of a complicated case, and has scorned to embellish; but what I cannot so easily understand is how such a report can make attractive reading.

My views may be heretical, but if anything is worth reading at all, why not make it as readable as possible? Why not, in Police Cases, take a leaf, literally, out of a French newspaper? Here is a case, for example, which came before me at Marylebone, a few months ago, of which much might have been made by a descriptive pen, say by a reporter to the *Figaro*.

A young married woman, an Italian, with lustrous black eyes, and a very gentle voice, brought her husband into Court on a charge of desertion. The wife, by her own frank admission, had been indiscreet. She had flirted with one of her husband's waiters at his restaurant, had written love-letters to him, and had exchanged kisses on more than one occasion. This, however, she passionately declared was all—and it signified nothing. It was only her husband who was so unreasonably jealous, and would listen to no explanation.

He had sent her to her relations in Italy, under the pretext that he was going to follow her, and had then abandoned her. She had returned to England, had endeavoured to see her husband, and come to some arrangement, but the door of the restaurant was shut

in her face, and there was nothing left but to take these proceedings.

This was the piteous tale which the wife unfolded in the Police Court. She gave me the impression, more by her manner than by her words, of speaking the whole truth, without sparing herself, neither extenuating nor setting down aught in malice. The husband listened, fierce and implacable. I tried to pour oil on the waters, and suggested an adjournment —but in vain. The case proceeded, and presently the wife was confronted with a bundle of letters, in her own handwriting, which, alas! had been found in the coat-pocket of Adolph, the young waiter, who was the cause of all the trouble.

The letters were in Italian and had to be translated by an interpreter. They were very tender compositions, full of poetic thought and fancy, and even in their cold English garb were remarkable for their warmth and passion. It was difficult to believe that love-letters so charming could have emanated from a quiet restaurant in the Edgware Road.

They mostly began, "*Carissima facia,*" a pretty turn of expression which seems to have escaped the fancy of the English lover. I think one of our poets once addressed a sonnet to his mistress's eyebrow, but this open adoration of a fair woman's face seems to have been entirely overlooked—but this by the way.

The case was fought to the bitter end, and, rightly or wrongly, I made an order in the wife's favour.

I was convinced in my own mind that the letters—

though undoubtedly compromising from an English point of view—judged as Italian productions, with due regard for the Italian temperament, were not to be taken too seriously. It was a very dramatic case to find its way into a London Police Court. Othello could not have been much more jealous than the defendant—Desdemona not much more innocent than his wife.

But if it is desired to know by a more direct example exactly what a French reporter can make of the proceedings in a London Police Court, let the reader run his eye over the following, which was sent to me for my approval by the editor of a Paris newspaper.

How the French reporter managed to stray into the Marylebone Police Court, I cannot say, and of course I do not vouch in any way for the accuracy of his report. I insert it as a specimen of style, which, whether better or worse, is at least very different from that which is affected by the English newspapers, and which some may think more readable.

UN BON JUGE.

Une Audience à Marylebone.

(*De notre Correspondant particulier.*)

Londres, 4 *Décembre.*

On ne connaît pas Londres tant qu'on ne connaît pas le tribunal de simple police du quartier de Marylebone.

Hier. James Haines, un vieux à cheveux blancs, était cité devant lui par sa femme Mary.

" Oui, disait-elle indignée, il voulait me battre."

" Et qu'avez-vous fait ? " demande avec son sourire bonhomme le juge, M. Plowden.

" Ce que j'ai fait ? J'ai pris la lampe à essence, et je lui ai dit que s'il continuait, je la lui jetterais à la tête."

" Après cela, j'espère qu'il a dû se tenir tranquille. Mais, dites, il y a longtemps que vous êtes mariés ? "

" Dix-huit mois."

" Oh ! vous n'êtes presque qu'une fiancée."

Là-dessus M. Plowden passe à l'interrogatoire de l'époux.

" Je n'en veux pas du tout à ma femme, je l'ai seulement un peu bousculée, mais c'est elle qui avait commencé à me menacer. C'est la meilleure femme qui ait jamais vécu ; comment lui en voudrais-je ? "

" Elle a du mérite, réplique l'excellent juge, et se retournant vers Mary : Vous voyez comme il vous aime. Vous ne voulez pas qu'il aille en prison ? "

" Oh non ! oh non ! répond Mary, épouvantée à la perspective de voir son James moisir huit jours dans un noir cachot, je veux seulement que vous lui fassiez connaître la loi."

" Votre femme a raison. James, vous ne devez pas la frapper : elle doit vous être sacrée : c'est là, la loi."

La bonhomie de M. Plowden lui a valu une popularité qu'envierait M. Magnaud.

La loi anglaise lui fait un devoir de donner son avis à quiconque vient le lui demander sur les droits et

les devoirs des citoyens. C'est devenu dans le quartier un sport de l'interroger. Il y a des braves gens qui n'ont de repos que le jour où ils ont trouvé une question à lui poser, et c'est à la barre un défilé à n'en plus finir.

" James et Mary sont à peine sortis, réconciliés, qu'une jeune femme se présente.

" Une femme m'a souffletée ; qu'est-ce que je peux faire ? "

" Ma foi ! je ne vois pas trop. Qu'est-ce que vous avez fait en recevant le soufflet ? "

" Rien du tout, je ne savais pas."

" Mais c'est tres bien, ce que vous avez fait là c'est très bien ! Ne rendez jamais les coups."

Tout l'auditoire de rire et d'approuver.

La jeune femme, déconcertée, se tait et puis s'en va, consolée quand même par le compliment.

Un autre la remplace aussitôt.

" J'ai pris une place de *ressource*."

" Vous dites de 'ressource.' J'entends bien, mais je ne comprends pas."

" Oui, la dame n'avait pas de bonne."

" Ah, voilà ! vous êtes la dernière ressource." (Rires dans l'auditoire.)

" Et elle a refusé de me payer, elle m'a jetée dans la rue."

" Elle vous a coupé les ressources. Il n'est pas très facile de voir ce que c'est qu'une ressource. Je crois qu'il faut vous adresser à la cour du comté. Désolé de ne pouvoir pour vous rien de plus."

J'arrête là le récit de l'audience; cela dure trois heures ; chaque jour—l'auditoire ne s'en lasse pas.

As another example of French description, a paragraph lately appeared in a French newspaper which achieved a humour beyond even what was intended. Referring to the case of a soldier in the Scots Guards, who was brought up before me for some offence or other, the French Reporter, with careless ease, described the prisoner as a soldier of the "Scotts-Yards." This was a masterpiece.

Almost as I have been writing these lines I have received the following letter, addressed to me by a perfect stranger :—

"Sir,—The enclosed conversation, which a few moments ago took place on our doorstep, will, I am sure, amuse you.

"Yours," &c., &c.

Here is the enclosure. It may amuse others as well as myself.

Man : "Strawberries fourpence a basket, mam; quite fresh."

Lady : "I'll have two."

Man : "Have the three, lady, and see—I'll take a penny off the third—then I sha'n't 'ave no more, and me and my mate get along 'ome this drenching night."

Lady: " Oh, very well, then."

This made him open his heart to her.

" Do you know Mr. Plowden, mam ? " he asked.

" I know him by name," she said.

Man: " I don't arf know 'im by nature! 'E fined me ten shillings or seven days. 'E says to me, ' What's the matter with your eye, my man? Been drinking too much ? ' "

" ' Well, sir,' says I, ' I was a-carrying a 'eavy load, and turned giddy like.'

" I jist sold 'im some of these 'ere strawberries. 'E asked me what they was apiece, and I says ' one and threepence, sir.' 'E says, ' I'll take three for three shillings.' I lets 'm 'ave 'em." Then with a very knowing wink he said : " I thought to myself, that's two shillings off my fine ! "

" Good evening, lady."

Fourpence was the right price of those strawberries.

The only comment I wish to make on this little narrative is that whether I fined the strawberry-seller or not, as to which I know nothing, he is mistaken in thinking that I purchased any strawberries of him afterwards in the street.

Whoever the unhappy person was who was victimised into paying so dearly for the fruit, it was not myself. But this, I am afraid, the strawberry-seller is never likely to know, unless indeed another black eye brings him again into the Marylebone Police Court, when perhaps explanations may follow.

CHAPTER XXXI

THE belief appears to be widely entertained that a Police Court is an unwholesome sort of place to spend much time in, and I am constantly being sympathised with for having to pass my days in such an atmosphere. It is not surprising that such a belief should exist. The surroundings of a Police Court are usually unsavoury. For some reason or other they are hidden away in back streets, as if the country were ashamed of them. In no sense can they be described as Temples of Justice. They seem rather to have been designed on the principle that the more impediments you can place in the way of a decent administration of justice the better. The most elementary requirements seem to be not so much neglected as obtrusively violated. Even such trifles as light and air have been triumphantly disregarded. Nor is any attempt made in these more enlightened days to improve on the errors of the past by sensible alterations which might be effected, one would think, without much difficulty or expense.

The spirit that brooded over the architecture of the Police Courts lingers lovingly over them still.

They remain standing monuments of how not to do it. The root idea seems to be that a Police Court in some way or other catches the taint of the prison, to which it is the approach, and should be equipped with the same stern disregard of ordinary comfort. I remember on being transferred to Marylebone that it required months of the most respectful expostulation before the authorities could be induced to carpet the short flight of stairs that led to the Magistrates' room; and as for the furniture of the room, perhaps the less said the better. I have no reason to think it was any worse than may be found in a workhouse or a prison.

Quite lately a brilliant forward step has been taken by supplying the Marylebone Court with an electric fan, which undoubtedly does good service in cooling the atmosphere and dispersing the microbes, but much more than this is required to bring a Police Court up to date. Lurid gas-jets continue to poison the air, and not so much as a hint is forthcoming that they will ever be replaced by electric light. Trusted messengers continue to carry messages from one Court to another in the good old-fashioned way, and no one seems to think that, if a telephone is useful anywhere, it might certainly be tried in a Police Court.

Nevertheless, and notwithstanding bad air, bad lighting, and mediæval conditions generally, Police Magistrates do contrive to lead as cheerful, healthy lives as most people.

Whatever the drawbacks may be there are undeniable compensations.

It is a great thing, when the day's work is over, to be able with a clear conscience to dismiss it from your mind—not to have to carry home with you anxious thought, or anxious labour, as is so often the lot of the overworked barrister, and the toilers in other professions.

A Magistrate has only himself to thank if he allows his work to worry him out of hours—there is seldom need for anything of the kind. Indeed, it is of the very nature of his work that he should forget it, for the cases he settles in the day are so numerous that they tend to obliterate each other. He cannot remember them all if he wished.

It may not be so with every temperament—there are some minds that make their own worry under any circumstances.

These, I am afraid, black care must always pursue, whether they mount the swift horse or try the even swifter motor.

For myself, I can but feel grateful for the Fate that made me a Magistrate—grateful for duties which, far from being mean and depressing as some people think, I find to be full of human interest, and yet, happily, not so exacting that they leave no leisure for other pursuits and for healthful recreation.

At the time of my appointment I was in a fair way of becoming a chronic sufferer from rheumatism. A timely visit to Aix les Bains effected a cure which

was completed by moving my household goods to Brighton, which I made my home for seven years. Brighton as a place of residence does not appeal to every taste, but Brighton diluted with Marylebone is a blend not to be despised. The journey backwards and forwards had no terrors for me. I am always happy in a train. I like the feeling of doing nothing and yet of not wasting time, for how can you be wasting time when you are travelling forty miles an hour? It is a fact that I was often sorry to quit the train as it rolled into the terminus either at Brighton or Victoria. And there was besides a certain incidental advantage in having to reach your work by railway. Unless the train was late, you were sure of being punctual yourself. The significance of this was vividly brought to my mind on one occasion. I had taken a house for the winter within a stone's throw of my Court. One morning I had the misfortune to be late, and the greater misfortune of ruffling the temper of a gentleman who had an application to make to me and was not satisfied with the answer I gave him. Possibly I was more abrupt that strict courtesy demanded. Anyway, he dashed off a letter to the *Morning Post* complaining of me generally for my unpunctuality and my answer to his application. Then, very pleased at seeing his grievance in print, he sent me the cutting from the newspaper as a withering rebuke.

I felt I had an unanswerable defence. I pointed out that the cause of my unpunctuality lay in the

propinquity of my house to the Court, that I was only living there by accident, that my real home was sixty miles away—a home so carefully selected as to make unpunctuality almost impossible—and I hoped under the circumstances he would forgive me if I had caused him the slightest inconvenience. I have never doubted that he was completely pacified.

During my stay at Brighton I devoted much of my leisure to playing golf or bicycling. There are but few, I imagine, who have escaped the fascination of one or the other of these rival recreations of the nineteenth century. My loyalty to golf as the king of games is strong as ever, but bicycling I look back upon as a hideous nightmare, and the passion I once felt for it is absolutely dead. Not so its memories.

I remember the almost boyish eagerness with which I purchased my first machine—a dainty "Columbia"—and my first excursion into the country. It was a broiling July day, but I thought nothing of that. I felt as if I had the wings of Pegasus. It was true I had mounted the machine with difficulty, and did not quite know how I was to dismount, but these were trifles which in no way interfered with the actual present joy of spinning along the road. The future might take care of itself. Suddenly, while revolving these cheerful thoughts, an unlooked-for contingency occurred. A fly, which felt big enough for a bee, flew with a bang into my eye and lodged there. In an instant I was reduced to helplessness, unable

to dismount, or to proceed, without almost certain destruction. Just at this moment, as I was dubiously hesitating what was best to do, I saw about twenty yards ahead of me a labourer crossing the road. I yelled to him to stop. He paused, and, taking in the situation at once, spread his arms wide apart, and waited to receive me. On I dashed. The labourer never stirred. There was a sudden shock, and in a twinkling he and I, mixed with the bicycle, were sprawling in a heap on the ground. Some men would have shown vexation under such trying circumstances, but no such thought occurred to my friendly rustic. He was all sympathy, and when I explained to him about the insect which was the cause of all the trouble he placed his thumb—such a thumb!—at my service and helped me to get it out. Then, like the Good Samaritan he was, he placed me on my "beast" and sent me on my way rejoicing.

But I had a much more serious experience than this shortly afterwards.

I had started for a short ride to my club along the sea-front, when the wind being very strong, I turned up into a back street, as being more sheltered. Unfortunately the street was up, leaving me only half the width, and I had to pass a long line of omnibuses and vehicles of every description. I had passed them all without mishap, until only one was left, a one-horse van, and then my road was clear.

How it happened I cannot say, whether it was my fault or that of the van driver, but in an instant I

found myself thrown to the ground between the horse and the front wheel. I felt it was all over with me, and indeed it was a very near thing, for the wheel was actually touching me, and had torn my coat, before the driver could stop. I do not think he could have stopped in time but for the fact that my bicycle got caught in the wheel of the van and acted as a skid. As for the bicycle itself it was mangled out of shape. Curiously enough the accident happened in front of a bicycle shop. One glance at my machine was enough for the proprietor. He offered me a sovereign for the ruins.

I have done but little bicycling since. My nerve was a good deal shaken; and though I have tried at times to re-kindle the old love, it seems to have left me as I have said, for ever.

CHAPTER XXXII

I HAVE observed in an earlier chapter on the comparative immunity from serious crime which London enjoys, in spite of its population of six millions. The evils which really beset the community are more properly social than criminal. Drinking, gambling, and swearing have much to say to Police Court statistics, and of these, drink, in my opinion, is far and away the most formidable evil of the three.

The total number of cases which came before my colleague and myself, at Marylebone, during the twelvemonth which expired on March 31st last, was 21,798. The total number of drunken cases for the same period was 5,301, or as near as possible one-fourth.

If you multiply this figure by the number of London Police Courts, you have a total of between 60,000 and 70,000 drunken cases tried in the course of a twelvemonth.

This is bad enough, but it is not all. It must be remembered that the police do not take into custody drunken people, unless they are incapable, or disorderly. There must be numbers who manage to

keep clear of the law, and reel into their homes in safety.

What is there to say about this host of drunken men and women living in our midst, and ruining not only their own lives, but the lives of those that come after them—perhaps for generations to come. What is there to be said of a Drink Bill, which for the year 1892 amounted to £179,499,817—the amount per head of the population being £4 5s. 6¾d. ?

These facts and figures are all well known, and have served as text for preachers, doctors, lawyers, philanthropists, and legislators without end ; but the evil continues just the same. When I went on Circuit I heard Judge after Judge declaim against the curse of drink, as the most fruitful source of crime, and fifteen years as a Police Magistrate has shown me how much of the crime of London is traceable to the same fatal cause.

It is no exaggeration to say that you might close half the Police Courts if you could get rid of drunkenness. There is not a day of the week, or the year, when I am not confronted with a more or less formidable list of "drunks." On Monday mornings the list swells to a procession, and when you have arrived at an end, drink will be found as the proximate cause of many of the felonies and misdemeanours that await investigation. And how heartbreaking many of these cases are !

Every effort is made in a Police Court to reclaim and reform, as well as to punish. The Police Court

Missionary is in attendance, ready to interview every case, and often prepared with actual help, but all his efforts notwithstanding, in spite of all that philanthropy can suggest, and notwithstanding legislation carefully designed to meet the evil, drunkenness continues to rear its ugly crest and collect its victims in undiminished numbers.

It must, I fear, be admitted that legislation has not been as successful as might be wished. The ordinary drunkard cares little about fines, or mild terms of imprisonment. It is not in human nature that a man, with his favourite bottle before him, will refrain from emptying it for fear of such consequences. To imagine that he will so refrain is to misunderstand the force of the temptation. I believe it to be true that you cannot make men sober by Act of Parliament.

But the legislature of late years has been at great pains to repress the habitual drunkard, and it has defined an habitual drunkard as "a person who not being amenable to any jurisdiction in lunacy is notwithstanding by reason of habitual intemperate drinking of intoxicating liquor at times dangerous to himself or others or incapable of managing himself or his affairs."

In 1879 the Habitual Drunkards Act was passed, by which certain "Retreats" were licensed, and into these retreats habitual drunkards were invited to enter for a term not exceeding twelve months.

It will be observed the Act was not compulsory in any way. The drunkard had to make an application

before he could be admitted, and it was of the very essence of the Act that this application should be spontaneous, and the effect thoroughly understood by the person making it. It is not surprising that this excessive tenderness for the liberty of the subject was duly noted by those whom it concerned, and that seeing the high value put on their liberty by the State, they were careful to do nothing to interfere with it themselves. Habitual drunkards fought shy of these alluring retreats and preferred to remain outside.

Then in 1898 another Act was passed called the Inebriates Act, which was a decided step in advance, for under this Act an habitual drunkard, who had been convicted four times in a twelvemonth, was liable to be detained three years in a certified Inebriate Reformatory. If he was willing to be dealt with summarily, the Police Magistrate could make the necessary order. If he was not willing, he could be committed to the Sessions, and an order could be made there, whether he consented or not.

Finally came the Licensing Act of last year, the most vigorous piece of legislation for the reformation of the drunkard that has yet been devised, and from which so much has been, and still is, hoped. This Act attacked drunkards all along the line, the simple drunkard who is found in the street incapable, and the habitual drunkard as defined by the previous Acts. It also contained useful provisions against publicans, and allowed of longer terms of imprisonment being inflicted, subject to certain conditions,

but the clause on which the greatest expectations were based, and which had a marked effect on public opinion, was the famous Section 4, which enacted that "where upon the conviction of an offender, the Court is satisfied that an order of detention could be made under Sec. 1 and 2 of the Inebriates Act, then, whether an order of detention is made or not, the Court shall order that notice of the conviction be sent to the Police Authority, for the police area in which the Court is."

This notice to the Police quickly came to be understood by the more descriptive title of the Black List, and for some weeks the Police Magistrates were busy in placing delinquents on this list, and in hoping much good from it.

It really did seem probable that when habitual drunkards found public-houses closed to them, it must have some effect in steadying their habits and curing their vice. Speaking for myself, I felt myself armed with a weapon I had never had before, one which I was glad to wield, for I believed in its efficacy, but I was not allowed to wield it long. A point was raised that the Act did not intend that Magistrates should have this weapon to use, except with the culprit's consent. An habitual drunkard continued as he was under the Inebriates Act. He could be committed to the Sessions whether he liked it or not, but no Magistrate could send him to an Inebriate Reformatory, or place him on the Black List, unless he consented to be dealt with summarily.

This contention was duly argued before the Lord Chief Justice, and Mr. Justice Wills and Channell, in the case of the King *v.* Donovan, and was held by them to be well founded. The famous Clause 4, which was to have done so much, has thus become almost a dead letter so far as Police Courts are concerned, for whatever else may be thought of an habitual drunkard, no one supposes him to be quite so simple as to beg he may be placed on the Black List as an alternative to three years in an Inebriate Reformatory.

And this is how the matter rests. There are, of course, other Acts of Parliament dealing with drunkards under particular circumstances, but substantially the three statutes I have referred to summarise the law. In my humble opinion, if the law is to be of any good, it requires to be considerably strengthened. The definition of an habitual drunkard is too exacting. The habit of getting drunk should be sufficient without requiring that when drunk the drunkard should be dangerous, or incapable of managing his affairs. Under the Act of 1902, husbands can get separation orders from their wives, if they are habitual drunkards, but the difficulty of proving that they are habitual drunkards, in the strict legal sense is so great as to be discouraging. But what is even more required is that drunkenness should be more severely punished in its earlier stages. By the time a man or woman has become an habitual drunkard, the disease, or the vice, or the sin, what-

ever it may be called, is in a fair way of becoming incurable. The Black List should be made a reality, by entrusting Magistrates with compulsory powers, and it might also be made more effective by providing that a second conviction should suffice, without waiting for a fourth, reducing proportionately, at the same time, the full term of three years—from six months, upwards.

But these suggestions which I have ventured to throw out proceed entirely on the basis that the evils of drink can at least be mitigated, if not entirely suppressed, by appropriate legislation. I confess myself to being very sceptical of any law providing a cure, when once the vice has reached a certain stage. Take such a case as the following, which I remember well, an ordinary charge of drunk and disorderly. The accused was a young woman of remarkable appearance. I have seldom seen a more striking figure than she presented as she stood in the dock, with a tartan plaid gracefully disposed about her, a picture of fearless health and beauty. What was her story? She was a native of Douglas, in the Isle of Man, and had run away with a lover who had betrayed her and afterwards abandoned her. In despair she had given way to drink, and had become absolutely reckless. It was clearly a case in which she should be saved if possible, and, after hearing her story, I arranged that she should be sent back at once to the Isle of Man, in the hope that her mother, who had refused to forgive her, would receive her back again.

The accused appeared grateful, and to make quite sure of her getting off without any difficulty the Missionary of the Court, at my wish, accompanied her to the station and took her ticket for her, but it was all to no purpose. The vice of drink had thoroughly seized her, and before nightfall she was locked up at Birkenhead as a drunk and disorderly. I was subsequently informed that she was well known to the Liverpool police, and had been convicted no less than twenty-four times.

Everything had been done for her that kindness or sympathy could suggest, but in vain. The moment she obtained her freedom, she relapsed. All her resolutions melted before the temptation of the first public-house.

It is clear that the law in this case had hopelessly failed. Nor do I think that the Black List, which had not then been invented, would have made any difference. The craving for drink had become a disease, and in medical treatment alone lay any chance of recovering.

I believe there are many similar cases.

One of the curious things about drunkenness is that it is not occasioned by genuine thirst, the kind of thirst that makes a glass of water delicious, nor is there anything in the taste of the liquids most in demand that is at all irresistible. On the contrary most of these drinks are distinctly unpalatable, and the taste for them has to be acquired, just as a schoolboy sets himself, undeterred by nausea, to learn to smoke.

I believe it to be generally understood that the drink sold in the inferior public-houses is often horribly adulterated, and that in many cases of alleged drunkenness the unhappy victim is more often drugged than actually intoxicated. It is perhaps too much to hope that to sell pure drink of its kind will be the aim of every publican, but a stimulus in that direction might be usefully applied by more frequent recourse to the Foods and Drugs Act, which, for some reason or other, rarely troubles to concern itself with anything more deleterious than watered milk. One cannot help thinking that if public-houses were conducted on somewhat different lines, if the drink supplied was wholesome of its kind, and harmless drinks were supplied as well, if opportunities were given for reading newspapers and indulging in innocent games, such as cards or dominoes, if, in a word, the public-house was fashioned more after the model of the Continental café there would be some reason to hope that drunkenness would receive a decided check, and the general contentment of the masses be greatly increased. It must be borne in mind that public-houses, with all their faults, fulfil a necessary function of social life. In their ugliness and coarseness they stand out disfiguring blots in our streets and thoroughfares, but even blots can be softened and disguised. We have borrowed much and successfully from the foreigner in the introduction of the splendid restaurants which have added such a happy touch to our civilisation. Oh for a little of the same dainty influence to reform

our public-houses, and the scarcely less awful refreshment-rooms at our railway stations!

Another remarkable thing about drink is the facility with which money seems always forthcoming not only to pay for the drink, but for the fine that so frequently follows in the Police Court. There are parts of the country where, I am told, wages are so high that there is always a comfortable margin for the unmarried man to spend as he pleases, but this is certainly not the case in London, among the hapless wretches who loaf their lives away in the vicinity of their favourite "pubs."

Certainly if drink contributes so much to poverty, as it must do, it indicates at the same time the existence of a great deal of wealth where you would least expect to find it.

I must not allow myself to indulge in further reflections on a subject which is more or less present to the mind of every Englishman, and with regard to which there is nothing new to be said.

It is a truism to say if there were no public-houses there would be no drunkenness. Until these are transformed in character, or greatly diminished in number, drunkenness must continue to exist. Drunken husbands will continue to ill-treat their wives, and crimes of violence must be expected. Legislation will do good here and there, and receive useful help from philanthropic agencies, but this will not suffice. The savage enjoyment of getting drunk for the sake of getting drunk, for that is what it is to thousands of

men and women, must be satisfied at any cost, and will be until an improved tone and a higher standard of thought and living has taught the masses to turn in disgust from the false gods which their fathers worshipped to the purer ideals of a higher civilisation.

CHAPTER XXXIII

THERE are many virtuous people to whom gambling is, if possible, a subject of greater abhorrence and reprobation even than drink. There is this to be said for their view that gambling in some form or other is even more prevalent than intoxication; but it is not reasonable, in this connection, to look at gambling in its fullest and widest sense. Those to whom it is such a deplorable evil are not thinking of underwriters or insurers, of the Stock Exchange or the matrimonial market—of the endless transactions in daily life into which the element of chance creeps in greater or less degree. They have in their minds only the more pernicious forms which are concerned with betting and gaming—it is perhaps sufficient to say " Betting " without anything else.

There can be no question that betting, chiefly on horse-racing, is enormously prevalent—that it attacks both sexes, and filters through every class in the community. With the moral aspect of this form of amusement I am not concerned. A Police Court is not a court of morals. I merely wish to speak of betting in its relation to crime, or in so far as it comes in collision with the law of the land.

I do not hesitate to say, so far as my observation goes, that, compared with the mischief of drink, betting is almost innocuous. The cases that find their way into a Police Court, and are directly traceable to indulgence in betting, are by no means numerous. When they do occur they are mostly cases of young men who have embezzled the monies of their employers, and who plead as an excuse that they have been tempted to steal in order to pay their bets; but the other side of the picture is often just as true. The lapse into theft comes first, and the bet is contracted to conceal the theft. It is to be noticed, too, that these cases are almost invariably those of young men. Older men are seldom charged; women, I may say, never.

But though betting seldom leads to actual crime—and though in itself not illegal, it is in many ways discouraged by the law, and can only be practised with much difficulty and at considerable risk. Betting houses are sternly prohibited, as traps to which the young and improvident may be lured to their own destruction, and betting in the streets has been prohibited by the law of the land since 1867, and made still more difficult to pursue by recent bye-laws of the County Councils.

There is no legislation that I know of that rankles like the law against street betting. The efforts to evade it by bookmakers during the racing season are as unceasing as they are ingenious. How often they may succeed in escaping the vigilance of the police it

is impossible to say. What is certain is that they are frequently unsuccessful, judging by the number of offenders that are haled before the different Magistrates. I am inclined to think that the law is to some extent to blame, as well as the bookmaker, for their frequent appearances. The terms in which it is expressed are somewhat ambiguous.

"Any three or more persons assembled together in any part of a street within the Metropolis for the purpose of betting shall be deemed to be obstructing the street." It will be seen that a great deal turns upon the word "deemed." The Magistrate is not required to say whether *in fact* three men standing together to exchange bets at a corner of a street have obstructed the thoroughfare. The obstruction is deemed by law to exist the moment three men assemble for betting purposes. I have reason to think this is frequently misunderstood by bookmakers, for it is a common defence to admit the betting, but to plead that they caused no obstruction. The maximum penalty for street betting is £5, and it is seldom that a smaller penalty is inflicted. There is indeed a strong opinion that, having regard to the frequency of the offence, and the ease with which the fines are met, the penalty should be raised to a maximum of £50. I entertain some doubt whether this would be quite in accordance with what is strictly just. The penalty, whatever it is, should be in strict relation to the offence—not to the amount of money which the offender may have in his pocket. Nor does the

mere practice of street betting carry with it such enormous evils that it should require to be put down by vindictive penalties. If betting in itself were illegal it would be a different matter, but so long as betting is not illegal the fact that hurried bets are occasionally made at street corners does not seem so very heinous after all. The public would seem to be sufficiently protected by a £5 penalty, for actual obstruction seldom occurs. There is indeed no time. The bookmaker knows he is under observation by detectives, who are always on the watch in various forms of fanciful disguise. The transaction, therefore, has to be a quick one, and the *locus* chosen is generally some quiet spot where there is little or no traffic.

I hope it will not be considered that I am holding a brief for street betting. Far from it. I recognise the mischief as one that requires to be checked, and I have no sympathy with the bookmaker, in so far as he deliberately sets to work to infringe the law. It is really a game of hide-and-seek between him and the detective. If he is caught he is deserving of punishment, but I think he should be allowed to plead, against a vindictive penalty, that so far as betting is concerned he has only sinned because he has betted in a forbidden place, and that so far as the place is concerned no perceptible inconvenience has been caused to the public use of the street.

It is not necessary for me to add much to what I have already said as to the far too free use of dis-

gusting language in the streets. There is no such excuse for it as may sometimes be pleaded for drink or gambling, and whereas the "drunkard" or the "gambler" is in every case his own enemy, the harm which a libertine in foul language may do to himself is as nothing compared with the offence to every passer-by who has the misfortune to come within sound of his open blasphemies.

CHAPTER XXXIV

IF any one were asked to say why a Court of Summary Jurisdiction should be styled a Police Court, I imagine he would be somewhat perplexed. Such a style and title seems open to criticism, for lack of precision, but there is at least this to be said for it, that it serves to keep before the public mind the close connection of the Metropolitan Police with the administration of justice, and this is right and proper.

The man in the street cannot be reminded too often of all he owes to the Police. Their duties are manifold and exacting, and they are performed on the whole not only with surprising fidelity and intelligence, but with admirable forbearance and temper. All that is best in the English character seems to find expression in a Police Constable—the sense of duty, a becoming modesty and respect for the truth. He is a typical Englishman.

I was somewhat surprised to read the other day a passage from Mr. Charles Booth's recent work, "Life and Labour in London," in which, referring to the stress of a Constable's duties, he wrote: "Not the

least serious difficulty in their path was the action of the Magistrates. If they attempt to stop those petty forms of disorder which are peculiarly obnoxious in a great city, they are generally only snubbed for their pains. What is wanted, say the men, is not more men 'run in,' but Magistrates who will convict, and not be ready to believe any tale the prisoners tell. So capricious are the decisions that the Police do not know how to act."

I venture to express a considerable doubt whether this is really the opinion of the Metropolitan Police Force. I have always understood that the danger was supposed to lie the other way, and that Magistrates accustomed to rely implicitly on the testimony of the Police were apt to grow too trustful, and to convict at times without giving sufficient weight to what a prisoner might say. It is quite new to me that the Police should complain that they are not sufficiently trusted as witnesses, but it is much better they should so believe, than be taught to regard the Magistrate as an automaton who will nod his head just as they choose to pull the strings.

One of the most difficult duties of a Magistrate is to judge fairly between conflicting statements—not to incline too much to the Constable merely because he is a Constable, and not to be opposed to the prisoner merely because he is a prisoner. All the care and patience in the world will not prevent occasional errors of judgment, and perhaps it is the best testimony to his desire to do right that a Magistrate can

look for, that he should be impartially blamed, now by the Police and now by the public.

A marked feature in a Police Constable—I might call it a useful defect—is his lack of imagination. The absence of this quality tends to keep down exaggeration, and has a particular value in the witness-box. Truth cannot be expressed too simply. It is dangerous to attempt to embellish it.

More than once I have known a prisoner to be "run in" who on his way to the station has anxiously inquired the name of the Magistrate before whom he will appear on the morrow, and then on being informed he will express his satisfaction or his contempt for "Old Plowden," with a free indulgence in the vernacular. The Constable will repeat it all in the witness-box with an absolutely unmoved countenance, without the trace of a smile or the exhibition of the slightest feeling. It is his duty to report faithfully what a prisoner may say. This is all that is present to his mind—his duty. What the prisoner may have said from any other point of view, or how he may have said it, concerns him not at all, and has no effect whatever on his imagination.

It follows that as a rule Police Constables make very reliable witnesses. Their memory, too, is generally excellent, and it is very seldom they give any sign of undue feeling or prejudice. I feel under endless obligations to them not only for their assistance as truthful and intelligent witnesses, but generally for their never-failing courtesy and the

alacrity which they bring to the discharge of any duty that may be required of them.

As an example of how times have changed and manners with them, there is a tradition in the Courts of a Police Magistrate who had a very narrow escape of being "run in" by the Police. It must have been in the brave days of old, when the temptations of drink still lingered round the tables of the educated and the rich to a degree which happily has long since disappeared.

The Magistrate in question had been dining at one of those far-famed city banquets which are apt to leave such an enduring impression on the memory of the frugal and the abstemious.

He was returning homewards, arm in arm with a boon companion, when, giving way to mirth and song, and reeling somewhat in their gait, the two men found themselves suddenly confronted with the Police, and charged as drunk and disorderly. It may be assumed that the usual crowd collected —usually put as two hundred. Whether it was owing to this crowd, or the aid of some friendly goddess acting through a London fog, I cannot say. Whatever the true reason may be, the Magistrate contrived to escape, and on the following morning took his seat on the Bench, grave, dignified, and alert as usual.

Presently as he worked through his list of offenders he saw standing before him in the dock his dear and valued friend of the night before looking at him

humbly and appealingly, the charge being one of drunk and disorderly. The case was quickly proved, the Magistrate listening unmoved, beyond the pained expression on his face, which under the circumstances was only natural and becoming. Then, having called on the prisoner to explain his conduct, he proceeded to address him in his most severely judicial manner, and in scathing tones. Never had he heard a more disgraceful case, and it was so much the more disgraceful from the fact that the prisoner evidently was respectably connected and moved in what was called (here he became very sarcastic) *good society*. He felt it was a matter where leniency would be sorely out of place, and the fine must be the maximum which the law allowed. I am sorry I cannot supply the name of this Magistrate. I am sure he deserves to be immortalised.

I can recall another instance where a Magistrate was brought into closer contact with the Police than was quite desirable, and I can speak of the occasion feelingly, as it happened to be myself. I was a passenger on the top of an omnibus. About half-way on the journey the conductor approached me with an insolent air and said, "You have not paid your fare." I replied that I had. He said, "You owe me a penny." I said, "I owe you nothing. I have given you twopence." "Where is your ticket ?" said he. "I decline to show it to you," I replied. "You have no right to see it." "Oh, that is your little game, is it ?" exclaimed the conductor in loud tones. "We

will soon see about that." And making his way to the driver, "'Ere, Bill," he said, "pull up at the nearest point." There was a full load of passengers, and interest now began to be very excited. Prestenly the omnibus stopped and the conductor, followed by a constable, made his way towards me in a dead silence. As they approached I held out my card to the Constable. "'E doesn't want to see no card," interrupted the conductor; "I want my penny." "Still I think you may as well look at it," I said to the Constable. There was a moment of hesitation; the sympathies of the Constable were evidently with the conductor. He took my card indifferently, almost with an air of doing me an undeserved favour. Then, as his eye fell on my name, an extraordinary change in his manner took place. In an instant he had seized the conductor by his collar and dragged him down the steps. A rapid colloquy took place, and then, as the omnibus moved on, the conductor almost on his knees humbly begged my pardon. "I do hope, sir, you will forgive me; none of us are infallible, and I honestly thought you had not paid your fare." "I have no quarrel with you on that score," I said, "but your manner was so insolent throughout that in the interest of the public I shall feel it my duty to report you." A few days afterwards he called at my house and informed me that unless I gave him a letter to say I had overlooked his conduct he would be dismissed. Of course I gave him the letter, and

he went away joyful, telling me he had had a lesson which he should remember as long as he lived.

There are a certain number of cases in Police Courts which attract attention not so much by reason of their inherent merits as on account of the position and reputation of the parties concerned. A few of these occur readily to my memory—one a long time ago, where Prince Clovis Buonaparte was charged with conspiracy to defraud, and more lately in the case of the Marquis of Anglesey and his jewels, and in the same Court at Marlborough Street, two charges of assault against such well-known persons as Arthur Roberts, the comedian, and the late Sir Ellis Ashmead Bartlett. The last named was a friend I had known for many years. He was summoned for assaulting a lawyer's clerk who had attempted to serve him with a writ, of all places in the world in a hansom cab.

The clerk in his zeal had jumped on to the foot-board of the cab after Sir Ellis, and his visit, not unnaturally being resented, he was somewhat forcibly expelled.

The provocation was certainly trying, and it was not agreeable to me to come to the conclusion that Sir Ellis was to blame for his violence. He was far too amiable a man to bear any malice, and on the next occasion that I met him we had a friendly chat over his Police Court experiences.

Arthur Roberts' case was also one of assault, a very trivial one. He was attended in Court by troops of

friends, and in the interval of the luncheon hour I was told he kept a crowded Court in fits of laughter.

During the hearing of the case he was as decorous as could be wished, and accepted judgment against himself with exemplary resignation.

I think, too, I remember a case in which Harry Furniss, of artistic fame, was brought up before me at Marylebone for furious riding—indeed, I have no excuse for forgetting it, for I remember what a very gallant fight the artist made in his own defence.

FINALE

I FEEL that I am coming to an end of these reminiscences, and can share the relief of the patient reader who has managed to accompany me thus far.

When I was a boy at Westminster there was a more or less useless punishment called an imposition, which consisted in having to write out a certain number of lines—sometimes as many as a thousand. I am impressed with the resemblance between an imposition of this sort and the task I have set myself in these pages. I have galloped through them at much the same pace and with even more necessity, lest I should forget the little I remembered. My only chance of getting through was to put on full steam and make a dash for it.

Being through with a thing reminds me of one of the many little stories which are connected with the whimsical personality of the distinguished artist, J. M. Whistler, whose loss to all his friends is so fresh and painful. I used to see a good deal of him in former days when he gave the most charming Sunday *déjeuners* at his Chelsea studio. Whistler was the

only man I have met in whom personal conceit, whether real or assumed, not only gave no offence, but was a positive charm. The greater his self-assurance the less it offended—the more it amused and gratified. On the occasion to which I am referring there was a private view at the Grosvenor Gallery. Almost the first friend I met was Whistler, and he very good-naturedly took me up to a full-length portrait which he was exhibiting of Lady Archibald Campbell. After I had done my best to express my humble appreciation of a beautiful picture, I asked him if there were any other pictures which he would advise me to look at. "Other pictures," said Whistler in a tone of horror; "other pictures! There are no other pictures! You are *through*."

A humorous "bridge" story has lately gone the round of the clubs, with an imaginary Police Magistrate for a hero. It is the duty of a Police Magistrate to ask prisoners in certain cases whether they will have the matter dealt with summarily or be tried by a jury. The almost invariable answer is, "I leave it to you, sir." The story runs that the Magistrate, in putting this question, was noticed to put it in a rather dreamy, absent-minded manner which was not characteristic of him. It was put, however, clearly and distinctly, and the prisoner, anxious to know the worst and to know it quickly, made the usual reply, "I leave it to you, sir." In an instant the Magistrate's face brightened. He seemed relieved of a load of care, and with even more than his accustomed

briskness and alertness he shouted to the astonished prisoner, " *No trumps!* "

It will be easily understood that a Police Magistrate is the recipient of many letters addressed to him in connection with cases he has heard and determined. Many of these come from persons not directly interested, but who, from the lofty standpoint of the amateur, take a dilettanti pleasure in bestowing praise or blame as they happen to approve or disapprove of particular decisions.

I have had to bow my head meekly to criticisms from all parts of the earth. Even ladies, and ladies so distinguished as " Ouida " and Marie Corelli have condescended to dip their dainty pens in ink and engage me in correspondence. The criticisms are of all sorts. To show how very kind and considerate they can be, let me set out in full one or two letters. They gave me genuine pleasure to receive, and if it seems conceited to publish them, well, I cannot help it. Let them be taken as samples of the interest which is felt in the administration of justice in quarters where you would least expect to find it.

Here is a delightful epistle, straight from the heart.

" *God bless you, Mr. Plowden,* for your gentleness to the little girl. As a reader of the Police Court news, I often feel that I would like to shake you—almost severely—by the hand, and say, 'God bless you, Mr. Plowden.' To-day I cannot restrain myself from writing. I very much appreciate and admire your methods of dispensing justice; mercy and

kindness are never absent. Would to God we had a few more such noble men as you! I repeat, God bless you, Mr. Plowden, and trust that you will pardon my subscribing myself as an anonymous admirer."

Here is another written from Bristol.

"DEAR SIR,—Having read the *Daily Telegraph* and *Mail* for some time, I noticed particularly the great kindness shown and valuable advice given to both sexes brought before you to be tried. I am in a drapery establishment where there are a lot of girls, and when in the sitting-room of an evening your name is constantly brought up as being a good, kind Magistrate.

"I am writing to wish you a very happy Christmas and that God will spare you for many years to come, to show the same kindness as in the past.

"Trusting you will not be offended at my writing this letter. Believe me, &c., &c."

Here is another not less touching and sympathetic, which I received one day this spring, with a basket of flowers.

"DEAR SIR,—Far from the busy haunts of men, these our first-gathered primroses grew. Will Mr. Plowden kindly accept, from those who in their daily paper read and appreciate his efforts to bring a little sunshine and happiness to his Marylebone applicants, with every good wish?"

Can it be wondered at that letters like these, so human and so sympathetic, should be most gratefully

appreciated, and that they outweigh a thousand times the angry and abusive epistles which also find their way to me by post? For indeed I know what it is to be libelled. I am not speaking so much of letters, which every public man must expect—letters of vulgar abuse, mostly anonymous. I don't think I am sensitive as to these. What does make me quiver are the misdirected arrows of those who do not mean to injure; the errors of grammar and of taste that are put into your mouth by reporters; the so-called jokes which have not been delivered with any thought of provoking a laugh, the laughter which you have never wished to stimulate. Perhaps even more than these, I know the sting of the friendly caricature. For a whole week I saw my cartoon in *Vanity Fair* confronting me at every bookstall; and well do I remember the proffered consolation of a fellow-martyr. "My friend," he said, "there is only one thing worse than not being in *Vanity Fair*, and that is being in it."

I remember, too, the criticism of an evening paper. "Nemesis has at last overtaken that incorrigible jester (*sic*) Mr. Plowden. He is this week the subject of positively the worst cartoon that has ever appeared in *Vanity Fair*."

Let it not be thought, then, that I have not suffered, that in some way or other I have not been touched at every point where human nature can be made to wince.

These things cannot be helped. They are the in-

evitable portion of those whose work has to be done not in the delightful seclusion of the library, but in the blaze and glare of publicity.

Happy the man who is least misunderstood. Happy the Magistrate who, when the day comes to take off his armour, when the night cometh when no man can work, can rely on posterity to inscribe on his tombstone—

> "For what doth the Lord require of thee?
> To do justice and to love mercy."

Therein lies all my ambition.

THE END

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